

## SENATE.

SUNDAY, March 1, 1903.

*[Continuation of legislative day of Saturday, February 23, 1903.]*

At the expiration of the recess, 11 o'clock a. m., Sunday, March 1, 1903, the Senate reassembled.

## MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE OTEY.

Mr. DANIEL. Mr. President, I ask that the resolution of the House of Representatives concerning the death of the late Representative OTEY be read.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN HOUSE OF REPRESENTATIVES, June 29, 1903.

*Resolved*, That as a mark of respect to the Hon. PETER J. OTEY, late a member of this House from the State of Virginia, and in pursuance of the order of the House heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That as an additional mark of respect at the conclusion of these exercises the House do adjourn.

*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. DANIEL. Mr. President, I ask leave to offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from Virginia offers resolutions, which will be read.

The Secretary read the resolutions, as follows:

*Resolved*, That the Senate has heard with deep sorrow the announcement of the death of Hon. PETER JOHNSTON OTEY, late Representative in Congress from the Sixth Congressional district of Virginia.

*Resolved*, That the business of the Senate be now suspended that proper tribute may be paid to his memory.

*Resolved*, That as a further mark of respect the Senate will, upon the conclusion of these memorial exercises, adjourn.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Mr. MARTIN. Mr. President, this hour has been set apart by the Senate in order that proper tribute may be paid to the name of a distinguished citizen of Virginia, Maj. PETER J. OTEY, who died while serving in the House of Representatives. It becomes my sad duty to contribute a few words in honor of the memory of my deceased friend.

I became acquainted with Major OTEY about the time I reached years of manhood. Our acquaintance afterwards ripened into friendship. From the year 1885 to the time of his death our relations were of the closest and most intimate character. I never knew a purer or better man, a more loyal or patriotic citizen, or a more faithful and efficient Representative in the halls of Congress.

Major OTEY was born in the city of Lynchburg on the 22d day of December, 1840. He was educated at the Virginia Military Institute, at Lexington, Va., an institution of high order, modeled after the West Point Military Academy, graduating from that institution on the 1st day of July, 1860. During the brief period intervening between his graduation and the commencement of the war between the States Major OTEY was employed as a civil engineer in the work of railroad construction. At the very commencement of the war he entered the Confederate Army, and served to the end as an officer, first in the infantry and then in the artillery branch of the service. He was wounded at the battle of Newmarket, in the Valley of Virginia, in the spring of 1865. He was captured at Waynesboro, Va., by the Federal Army on the 2d day of March, 1865, and was a prisoner at Fort Delaware when the war ended. His career as a soldier was without a blemish in any respect, and was characterized by a spirit of self-sacrifice, by a devotion to duty, and by a courage which endeared him to his comrades, and placed his name high on the rolls of distinguished soldiers produced in the great Commonwealth of Virginia. When hostilities ceased Major OTEY returned to the duties of private life with the earnestness, energy, and zeal always characteristic of him. At one time in the insurance business, at another the cashier of the leading bank in his city, and at another the president of the Lynchburg and Durham Railroad Company, which was planned and organized by him, he always commanded the respect and enjoyed the confidence of the best business interests in his State.

While engaged in the active pursuits of business, and seeking no political preferment for himself, his devotion to his State and his unflinching conviction that the interests of his country would be best promoted by the principles of the Democratic party, he contributed generously of his time, his thought, and his means to the State and national campaigns of his party. In 1894, for the first time, he became a candidate for an office. He announced himself a candidate for Congress in the Sixth Virginia district,

and was easily nominated and elected. He served in the Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses, and died after a very brief illness in his native city on Sunday the 4th day of May, 1903.

In his Congressional work he was essentially practical. No detail was too small to be worthy of his attention; no problem was so complicated or so profound that he did not aid in its elucidation and solution. He was one of the wisest and most reliable and conservative counselors in his party.

He was not an orator in the ordinary acceptation of the term, but he was an able debater, a strong, forcible, and logical speaker, and able to use, and in the habit of using, on proper occasion, most effectively, not only the embellishments of rhetoric, but wit, humor, invective, and anecdotes. He was a man of marked ability and of great usefulness in the public service. In his death, not only his friends, but his State and the country suffered an irreparable loss.

Mr. GALLINGER. Mr. President, my acquaintance with Mr. OTEY was not intimate, but I knew him well enough to respect him highly, and to regard him as a very valuable member of the House of Representatives. He was a kind-hearted, cordial, sympathetic man, whose companionship was delightful, and whose friendship was well worth possessing. He seemed always to look on the bright side of life, and was full of anecdote and charming reminiscence. To him sunshine was better than cloud, and laughter more desirable than gloom. He was the kind of man who stands for what is best in life, intent upon leaving an impress for good on the community in which he lived.

Others who knew him better than I will tell the story of this man's life. Military student, soldier, engineer, railroad man, banker, and Representative in Congress, he acted well his part in the varied positions which he occupied. A successful business man, he brought to the discharge of his duties in Congress the same industry, method, and executive ability which made him successful in business pursuits, and thus he achieved success as a legislator and endeared himself to his constituents by promptly and cheerfully responding to the multitudinous calls that in these busy days come to men in public life.

Mr. President, I shall never forget the large concourse of people that gathered in the church in the beautiful and picturesque city of Lynchburg on the occasion of the funeral of Congressman OTEY. It was not a gathering of people attracted by curiosity or of those who perfunctorily responded to what might seem to them a neighborly duty. Rather it was an outpouring of men and women who were anxious to pay the last tribute of respect to a man whom they deeply respected and loved. There were many eyes wet with tears in the assemblage, and a solemn hush fell on all when the good priest, in simple words, told of the generous qualities and kindly deeds of the deceased. He said that Mr. OTEY had left to his family the heritage of a noble life, which was infinitely better than stocks and bonds or silver and gold. How fortunate will it be if, when the final summons comes, the same thing can truthfully be said of us.

Mr. President, I need not say more. This man illustrated in his life the thought that Ruskin has burned into the very souls of many of his readers: "Think you," says Ruskin, "that judgment waits till the doors of the grave are opened? It waits at the doors of your houses—it waits at the corners of your streets. We are in the midst of judgment—the insects that we crush are our judges—the moments that we put away are our judges—the elements that feed us judge as they minister, and the pleasures that deceive us judge as they indulge. Let us, for our lives, do the work of men while we bear the form of them, if, indeed, those lives are not as a vapor, and do not vanish away."

PETER J. OTEY lived up to high ideals. The world was the better because of his having lived in it; and so to-day those of us who knew him gladly pay tribute, however humble and incomplete it may be, to the memory of a loyal friend, a true man, and a faithful public servant.

Mr. PERKINS. Mr. President, the State of Virginia is more than the mother of Presidents. It has reared and sent forth into public life so many other men of the highest intellectual attainments and moral character that it seems to me it has as much reason for pride in that fact as it has in that it has placed so many distinguished men in the seat first occupied by Washington. Of these natives of the Old Dominion PETER J. OTEY was one, and his death presents the opportunity to give voice to that acknowledgment of the high qualities with which he was indorsed, that is, I fear, neglected too often during the life of those we respect and love.

Mr. OTEY possessed in a notable degree those ingrained Virginian qualities of courage, loyalty, and devotion which have always been the distinguishing marks of the sons of that great State. He was educated in her schools, and in her military institute

received that training which in after years enabled him to win distinction on the field of battle. When the civil war arose, he abandoned all private business and entered the ranks of the defenders of the Southern cause. Throughout that great struggle he devoted all his strength, all his energy, all his time, and all his means to the great movement to which he had given his heart. There was never a sign of faltering or weakness. He went on to the end with that indomitable courage which characterizes the true soldier. But when the end came, he recognized it to be the end, and that his work on battlefields was done. Not one of the hundreds of thousands who accepted the solution of the great struggle was more sincere than he. He had given his love and loyalty to a union of a part of the American States; but when it was determined that there could be no dividing line, this love and loyalty embraced the whole; and after the smoke of battle had cleared away, there existed no man ready to dare more for the United States of America than PETER J. OTEY. Though he had broadened his allegiance, however, and had buried forever the cause for which he fought, he did not forget his old comrades in arms. Brave men who have fought side by side in war must ever stand shoulder to shoulder in peace.

So it was that when Mr. OTEY entered public life there were behind him the men who had, in times of stress, learned to know what manner of man he was. That they judged correctly that he would act as a legislator as he fought as a soldier is known to all members of the House of Representatives who served with him. In his capacity of Representative from Virginia he manifested the same courage, the same tenacity, the same kindness, consideration, and manly affection that had endeared him to his soldiers. No one who knew him well could escape the recognition of these gentler qualities. They showed themselves in the dry routine of legislation, where there was a chance to give the benefit of a doubt to the weaker party. They showed themselves in the consideration of measures affecting the material interests of sections or of individuals. They were ever manifest in his relations with his colleagues, and their sincere sorrow at his death is the measure of his worth as a man.

With all his seriousness of purpose, his devotion to duty, and his unwearied labor he possessed a lightness of heart and a fund of humor which kept him young and in sympathy with the present and all that the present holds. None of those who were fortunate in his companionship will forget the mirth and joy which he so often caused. And in the House itself not infrequently his genial humor brought back to a reasonable basis a discussion that earnestness and passion had carried beyond bounds. His wit was of that rare kind which, though sure of its mark, never left a rankling wound, but rather soothed and pacified. It was a gift which had not a little to do with the personal affection with which he was regarded by all those who knew him, and which commanded the respect of those who were not within his intimate companionship.

While Mr. OTEY was a most earnest and loyal member of his party, none of his political opponents have ever been able to charge him with any of the questionable acts which sometimes are laid at the doors of public men. He secured and held the respect of Republicans as well as of Democrats, and the former as well as the latter in his Congressional district were proud to be represented in Congress by him. In his work for his constituents he was indefatigable, and his sincere desire to serve them in whatever way was proper made him one of the hardest working of the members of the House of Representatives. It was his greatest pleasure to secure some measure of relief or some little benefit for a worthy and needy constituent, for his sympathy went out to such as had missed much of the good fortune of the world. Hence his loss was felt among his constituents as a personal loss, and when his body was taken to its last resting place there was evidence that he had attained the supreme honor of a successful life—the sincere and unselfish love of his people.

Mr. CLAY. Mr. President, shortly after I became a member of the Senate I formed the acquaintance of Hon. PETER J. OTEY, late a member of the House of Representatives from the State of Virginia. I often met him and conversed with him up to the time of his death. But a short while before he died I enjoyed a most pleasant and agreeable conversation with him in this Chamber. Apparently he was in good health, and I was shocked when I heard of his death. I had no personal acquaintance with him until after he became a member of Congress, but often saw him and conversed with him during his public career. I can scarcely now realize that he has passed forever from our fellowship. Conversation with the distinguished dead convinced me that he was a man of thought, and that his abilities were directed in advancing the best interests of his country.

Reared and educated at the Virginia Military Institute, from which he graduated in 1860, he early acquired that breadth of mind and honesty of purpose which so well equipped him for the

duties and responsibilities of life. He never held a public office until he was elected to Congress, taking his seat upon the assembling of the Fifty-fourth Congress, and was reelected to the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. Had he lived, doubtless he would have been renominated without opposition and reelected to the Fifty-eighth Congress, for he was highly esteemed and greatly beloved by the people of his district. The deceased was a brave Confederate soldier, gave four years of his life to this service, and his record as a soldier is without a blot or blemish. He fought under Breckinridge, Longstreet, and Early, and his companions in arms testify that he was always found in front of the battle discharging faithfully and courageously the duties of a soldier.

When the civil war ended he accepted the result in good faith and went to work to rebuild the fortunes of Virginia and to bring about a fraternal feeling between all sections of our common country. He soon demonstrated that the success which he had achieved as a soldier was destined to mark his career as a business man. He won the confidence and the esteem of the good people of the city of Lynchburg, where he resided, and was nominated and elected to represent his district in Congress. The distinguished dead never lost his devotion and enthusiasm for his companions in arms and was universally loved by them at the time of his death.

My limited acquaintance with the deceased convinced me that he was an industrious and thoughtful legislator, a tender and loving husband and father, a kind, just, and considerate neighbor, a broad-minded and patriotic American citizen, always ready and anxious to discharge, in an intelligent way, his public duties, keeping in view the preservation of our free institutions, hoping to advance in every honorable way possible his country's good.

He was incapable of cherishing malice, and charity was one of his crowning virtues. He worked constantly and effectively for the people of his district and was candid, courageous, honest, and full of sympathy for his fellow-man. As a friend he was interesting and delightful, always carrying with him sunshine and happiness.

Those who knew him as a student, as a soldier, as a private citizen, as a husband and father, as a member of Congress, bear testimony that he was faithful in the discharge of every duty. He was just such a Representative as might be expected from the Commonwealth of Virginia. No State in the Union has done more to give to the world the best Government ever established for the liberty and happiness of man than this great Commonwealth. On Virginia's soil and through the influence of Virginia's sons opposition to British tyranny was first planted. It was the immortal Patrick Henry who kindled the flame that united the American colonies in favor of American independence.

It was Thomas Jefferson, Virginia's distinguished son, who drafted the Declaration of Independence, uniting the colonies and constituting a Republic that in a little more than a hundred years has outstripped all the nations of the earth. Nowhere among the family of nations will be found that happiness and liberty and equality of rights which the American citizen enjoys. The Declaration of Independence which Thomas Jefferson drafted, separating us from the mother country, brought to the infant Republic a revolution that lasted for eight years, and which threatened our extermination. Our chieftain in this sanguinary struggle, which resulted in American independence, was Virginia's son. When the Federal Constitution was under discussion it was Mr. Madison who was its ablest champion, and he will always be accorded in history the place he deserves in connection with the formation of our fundamental law. When we seek to know the origin and history of the Monroe doctrine, that no foreign government should cross the waters and establish governments on the Western Continent, we find this doctrine came to us through one of Virginia's distinguished sons.

It is not necessary to trace the birth, the education, or the private life of our dead friend in order to estimate his pure worth.

The fact that the people of Virginia, of the Sixth Congressional district, elected him to Congress for four consecutive terms is the highest evidence that he was a man of ability, possessing the highest integrity, the broadest patriotism, the kindest nature, a lover of liberty and constitutional government. Virginians are a brave, chivalrous, and gentlemanly people, and are proud of the records made by their public servants. They watched with pride the career of our dead friend. They loved him, they trusted and honored him, and he was in every way worthy of that trust and honor which they so freely bestowed upon him.

In his intercourse with others he was always considerate, even tender with the lowly and the humble. He was a sincere friend of the poor, a man of unswerving integrity, and all who knew him bear testimony to the goodness of his heart in all of his relations with his fellows. We can only judge a man by the life he lives. His everyday walk preaches the most forceful sermon. Deeds and acts are more forceful than words. Those who knew him



pay beautiful tribute to his memory—that PETER J. OTEY lived a life of integrity, benevolence, and charity, and he taught these virtues to all with whom he came in contact. His manly qualities of heart and mind made him universally popular with his colleagues in the House regardless of politics.

I have often heard it said that he never at any time failed to remember the slightest wish of any of his constituents; always plain, modest, unassuming, loyal, and friendly.

He died in the very prime of his usefulness and while his influence was widening and increasing, and his death was a serious loss to the public, as it was a source of irreparable grief to his large circle of friends; but the example which he left us will long be remembered for the instruction and encouragement of those who now survive him. The benedictions of those who knew him intimately and who loved him so well, and who were the recipients of his many generous acts, will keep his memory fresh and unfading forever.

Mr. DANIEL. Mr. President, the commemorative exercises that are now transpiring had been appointed for yesterday afternoon. When the hour approached the pressure of the public business of the Senate was such that those who had charge of it appealed that it might be given the right of way. The friends of the late PETER JOHNSTON OTEY believed that had he been alive he would have been the first to waive any personal consideration for the affairs of the country, and, acting as they believed the living would have acted, they consented that these exercises should be postponed until to-day.

The late PETER JOHNSTON OTEY was the Representative of the Sixth Congressional district of Virginia. He was born in Lynchburg, Campbell County, Va., on the 22d of December, 1840, and he died there on May 4, 1903. His death occurred in the house of his birth, whose roof had sheltered his lifetime and five generations of his ancestors and their descendants.

This old homestead erected by his maternal grandfather in the early part of the nineteenth century is a large, substantial brick structure of the plain rectangular fashion so common in Old England and in the Atlantic coast States of the American Union. In its dignified simplicity and solidity it is typical of the sterling people who erected and lived within its walls, and while modern architecture presents many features more alluring to the fanciful, I doubt if there be any specimen of it that presents so striking an ideal of durability or worth or kindles so readily the associations of family and of home.

John Otey, the grandfather of PETER JOHNSTON OTEY, was a soldier of the Revolution of 1776, and long represented the county of Bedford in the general assembly of Virginia. His father, Capt. John Mercer Otey, was a soldier of the war of 1812, and locating in Lynchburg when the war ended, he became a leading citizen, the president of its common council, an officer of a bank, and a successful business man whose judgment was much sought and always respected by his neighbors and his friends. He was a man of majestic personal aspect and of character and ability befitting his appearance, and he had that commanding intelligence and influence to which men bend by instinct. Had you looked upon him without knowing who he was you would have surmised from his sagacious face and commanding form that he was some great public official, such as Secretary of the Treasury or Chief Justice of the United States.

Capt. John M. Otey was wedded early in life to Lucy W. Norvell, whose family, like his own, had made its mark in the Colonial and Revolutionary days of our State, and she was as remarkable for intellectual, social, and executive abilities as was her husband. She identified herself with religious and charitable works. During the civil war she herself established and superintended a hospital in the city of Lynchburg for the wounded and sick soldiers. She directed its administration with an efficient energy that was universally recognized and with a sweet heartedness and charity that made her name as proverbial in our community as that of Florence Nightingale is throughout the world.

When our sectional troubles became acute in 1860 the Otey family, of the old Whig stock—and, indeed, a large majority of the Lynchburg people—identified themselves strongly with the cause of the Union. The whole State of Virginia was similarly disposed, giving its electoral vote to Bell and Everett, and still later, after secession was organized, Lynchburg and a majority of the Virginia constituencies sent Union representatives to the State convention. There, led by Alexander H. H. Stuart, Jubal Anderson Early, Robert E. Scott, Robert Y. Conrad, John B. Baldwin, Samuel McDowell Moore, and others not less able and distinguished, they fought a sturdy fight to avert the disaster of dissolution and civil war.

When President Lincoln called on Virginia to furnish men to march against the seceding States the sentiment of the body instantly changed. This was war, call it by whatsoever name you

will, and while Virginia was opposed to secession, she still less favored the idea of forcing States by the bayonet into unwilling political association. It was against the teachings of those of her founders whom she most revered and against the legendary and traditional principles of her people. The Union localities in Virginia indorsed this view, and the Otey family and all their neighbors fell into the ranks of forming war. The Hon. James G. Blaine, in his Twenty Years in Congress, and, more recently, Gen. Charles Francis Adams in a memorable essay, have eloquently referred to the history and integrity of Virginia's convictions and to her stern obedience to her faith.

I am relating a fact of our history and not discussing it, for the discussion has long since eventuated in tragedy and in restoration after tragedy. The fact simply illustrates that when revolution comes it sweeps in its headlong currents those who are opposed to it in common with those who favor and advance it, and our domestic experience, conforming to that which all history confirms, utters its warning against those of any and of every side who kindle the sparks of sectional strife.

The children raised by Capt. John M. Otey and Lucy W. Otey were eight in number. The eldest, a daughter, Mrs. Lucy Walker, alone survives. This noble matron is the widow of a brave soldier, Maj. John Stewart Walker, who fell in the battle of Malvern Hill. The rest of those children were sons. They all volunteered when war came, and were noted for their modest valor and their patriotic spirit of self-sacrifice and devotion.

One of them, Capt. Van Rensselaer Otey, who had been a lieutenant in the Mexican war, served on the staff of the famous cavalry general, J. E. B. Stuart, until ill health necessitated his assignment to post duty.

Lieut. Dexter Otey, another, was injured, as the war began, by being thrown from a horse and disabled from military duty.

Col. Kirkwood Otey commanded the Eleventh Virginia Infantry, a regiment of iron sides, and was wounded in Pickett's charge at Gettysburg and again at Drury's Bluff.

Capt. George Gaston Otey commanded a battery of light artillery and was mortally wounded at Lewisburg.

Walter Hayes Otey was adjutant of the Fifty-sixth Virginia Infantry, and bravely shared the dangers and hardships of protracted war.

John M. Otey became colonel and adjutant-general for Gen. P. G. T. Beauregard.

PETER JOHNSTON OTEY was the youngest and the last survivor of this brave brotherhood, a race of manly men whose breasts were little stirred by the vanities of ambition or the ostentations of life, but rather by the finer impulse to render manhood's true account.

I knew this man of whom I speak to-day, and his memory is dear to me. From his earliest childhood we were neighbors, kinsmen, comrades, and friends, and I know of no man who more adequately met all the obligations which life imposed upon him, who attempted more things and better did them, and none who at the age of 62, at which he died, could look back upon a life more honorably or more usefully spent, or could have less in its record that he would wish to regret.

Graduating at the Virginia Military Institute in 1860, he entered at once upon his chosen profession as a civil engineer. He was scarcely initiated in it when the war drums were sounding. He volunteered, of course, and served for a time as a lieutenant in the Virginia forces, and fired, it is said, the first cannon shot of the war on Virginia soil, from Sewells Point, near Norfolk. We find him again soon in the battles of Fort Donelson and Shiloh, and presently he becomes a major in the Thirtieth Virginia Battalion of Infantry. His war service was arduous in Tennessee, west and southwest Virginia, and in the Shenandoah Valley, and especially during the last year under Breckinridge and Early.

At Newmarket, in May, 1864, he was stricken down with a broken arm in a charge upon a battery which withered the assaulting line, when General Breckinridge, the Confederate commander, sent to the rescue his only available reserve in the battalion of cadets of the Virginia Military Institute, where Major OTEY had been educated. These boy soldiers of the corps to which he had belonged swept the field with a precision, steadiness, and compactness of movement that won the admiration of both armies, passing over OTEY's fallen body, accomplishing their purpose, and winning a reputation which remains a glorious reminiscence.

Curious it might seem, and yet it is consonant with the best things in human nature and with the invariable character of a sensible and magnanimous people, that soldiers of the Union Army who witnessed the exploit of these boys in action have sent their sons to the Virginia Military Institute to be educated, because they saw its worth tested in the test of fire, and a just return is found to-day by our reunited country in the fact that many of its younger Army officers have been drawn from the graduates

of this excellent academy and who are sons of both those who wore the blue as well of those who wore the gray.

The wounds of youth soon heal, and OTEY was soon back with his soldiers. He commanded his brigade at Cedar Creek. His character as a fearless fighter became more and more established. The War Records attest it by the frequent complimentary notices made of his gallantry and skill by his superior officers, and had the fortunes of war gone otherwise than they did, he was in close reach of the highest honors of rank that can crown a soldier's deeds. But he was not the kind of a man to ask a medal for gallantry, or stars and wreaths for his collar, and in the chance medley of war they came not to him unasked. He was content with the supreme reward of duty done.

At Waynesboro, March 2, 1865, with a remnant of his band, he was captured, and when the war ended he was a prisoner at Fort Delaware. He was ere long at home again to begin life anew, and to build up from the bottom. To one of his comrades in a similar situation Thomas Carlyle, the great writer and philosopher, wrote this advice: "Go ahead and do the thing that lies next to you." This was always Major OTEY's intuitive wisdom, and he lived closely up to it.

A clerkship in an express office he gladly accepted. He became successively a clerk in a railroad office, an engineer of a railroad line, teller, and then cashier of a leading bank, the founder of a large insurance business that yet continues and prospers, and then the president, financier, and builder of the Lynchburg and Durham Railroad.

Never a money lover, but always scrupulous as a handler, user, and earner of money, he exercised such fine discretion and rigid honesty in all of these employments, and exhibited such rare faculties of administrative tact and skill that his fame as a successful and reliable business man spread far and wide, and he was looked up to, and justly, as a model and an exemplar.

While system and discipline were manifested in their best forms in his business practices, he had beyond them the ripeness of clear and just judgment. To these were added in him an automatic integrity that never debated a questionable point of honor, but instantly decided it rightly, and a firm purpose that could say "No" with alacrity, however specious, alluring, and beguiling might be the temptation to say "Yes."

It is of such mettle as this that great men are made. We often see in our American life some modest man but little known suddenly projected into great places of peace or war, and the multitude is astonished that he so readily and roundly fulfills that place with all of its complexities and responsibilities.

PETER JOHNSTON OTEY was a man of this class, and it is my conviction from an intimate knowledge of his principles, his characteristics, and his methods that there is no executive office of our Government that he would not have ably filled in a manner that would have given satisfaction to all who trusted him and redounded to the renown and welfare of his country.

Major OTEY indeed possessed a great variety of talents. He was a mathematician who could quickly solve any problem of figures, a draftsman who could give you the model of a steam engine or in a few strokes of his pen the characteristic features of a face or landscape; a musician whose ear for music made him at home touching the keys of a piano or the strings of a banjo or in leading the chorus of a happy song. With the fishing rod, shotgun, or rifle he was on easy and familiar terms, and when he dropped business no one I ever knew entered more heartily or innocently into the spirit of sport or amusement, or extracted from it more of pleasure and refreshment.

Calm and decisive in all serious affairs, he was so concentrative in his work and so imperious in pushing it to its proper result that men sometimes thought him cold and indifferent, but no man was warmer or more generous in his feeling, none responded more readily to any call of friendship, patriotism, or charity, and none was more alert to do good things for their own sake without thought of reward or regard for personal consequence.

When Major OTEY had reached the mature age of 54 years the railroad of which he was president underwent the experience usual with small interior lines and was absorbed by a great trunk line, leaving him without employment. He had never held civil office of any kind, either State or Federal, and had probably never made a public speech. His business occupations had been such as tended to withdraw him from, rather than prompt him to, political ambition. But he had always been a public-spirited citizen. He had served for years in the common council of his town, like his father before him. He had performed many other unremunerative labors as a party committeeman and as a citizen, attentive to the concerns of the common weal and of his neighbors and friends, and he had won the confidence and good will of all who knew him.

He determined in 1894 to become a candidate for Congress, and went at it with the directness which characterized all of his methods, publishing a brief card stating that candidates often

stated to the public that they yielded to the solicitations of friends, and would serve if elected, to the sacrifice of personal interests; whereas in his case he was thoroughly satisfied that his own interest would be subserved by election, and he asked his fellow-citizens directly to vote for him. The people always and justly love plain candor, and this candid presentation reinforced their favorable disposition. He was nominated by the Democratic party, and elected a Representative in the Fifty-fourth Congress.

Without experience in public speaking, he rapidly acquired that art, and soon became an able and interesting advocate upon the hustings, knowing his subject in every detail, presenting his views with clearness and force, and adding to the attractiveness of his utterances by a play of natural wit, humor, and fancy that was singularly engaging.

In the House of Representatives he made his mark upon the floor as well as in the committees of which he was a member. So attentive was he to his constituents in all the details of their wants and needs that it was soon commonly said throughout the district that "Major OTEY is the best Representative we have ever had." The very humblest of them, as well as the most influential and powerful, commanded his instant attention and care. His popularity became so firmly established that no one in his party thought of opposing him, and his political rivals entered the campaigns without hope and came out with ever-increasing majorities against them.

He was successfully chosen a Representative to the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses, and came here as a member of the Fifty-seventh Congress, not only honored and beloved by his home people, but also with the hearty welcome of his colleagues of whatever party in the House of Representatives. Limited time forbids me to recount his services in that body, and this, indeed, has already been better done by his colleagues there.

His services were assiduous and numberless in the mass of minor measures and minor matters that make a vast sum in the aggregate, and yet are of no little importance to the localities and persons chiefly concerned, while they cut no great figure in public history. They were also important and weighty in many public questions of the first magnitude and in administrative concerns of large consequence.

So much was he esteemed that he was made a member of the State Democratic executive committee and of the national Democratic committee as well.

He was the propounder of the measure to provide dentists for our Army, which became a law, to the gratification and betterment of our soldiers in the field; and President McKinley graciously appointed, as one of the dentists to fulfill the terms of the act, Dr. R. W. Morgan, of Lynchburg, who had been a private soldier of Pickett's division, and who was wounded at Gettysburg. This gentleman had conceived the measure providing for a dentists' corps, which is now established. It had been suggested to his mind by his own experience as a soldier, and he is now suffering illness brought upon him by his service as a dentist with our forces in Cuba. This great reform is simply another instance in which the experiences of one generation redound to the betterment of another, and in which experiences sometimes acquired in hostility are woven into the web of a stronger and more enduring friendship.

It was in his home life that Major OTEY was most admirable, and it was there that he found the rich and exceeding great reward for the hardships and dangers that he had passed and of all his faithful labors. Married in early manhood to Miss Mollie Floyd, of a distinguished and intellectual family, the children and grandchildren of their union brought to them the fullness of domestic blessing. Mrs. Otey was his constant companion and helpmate; and in her good judgment and ready hand he found that genial comradeship which was to him "a very help in time of trouble," while the many friends who shared their fireside warmth and hospitality beheld the charms of domestic felicity exemplified in every form of home happiness and comfort.

In the qualities that command respect and that attract and endear friendship Major OTEY was as richly endowed as in intellectual gifts and in moral attributes. Every circle welcomed his sunny presence. He was the best of boon companions, whether in a stern fight or in a hunt or upon any scene of recreation. His disposition was that of redundant healthfulness, which makes the best of everything that is and hopes and strives for the best that may be reached for.

As no difficulty discouraged him, so no mishap cast him down or deterred renewal of endeavor. He was optimistic in all things, and his optimism sprung from the true-heartedness and clear-sightedness that realizes the unceasing endeavor of the Divine Spirit to work out all things for good.

He dealt but little in attempts to unravel and explain the mysteries of our present and future state, which, by their infinity, must be inscrutable, but he looked upward to the good God in hope, faith, and charity, with a conscience that loved right and



hated wrong, and with dependence and confidence as strong as those of a child that looks trustingly into its mother's face. He put his creed into his deeds, and his life was such that any church in Christendom might have been content to point to him as a worthy and exemplary member.

To this strong, brave, good, and useful man death seemed to come all too soon, and yet it gave its forewarning. A month or so before he died he told me that he had a heart trouble which he felt might take him off at any moment. I had never suspected it, nor would anyone who looked upon him be likely to do so. His eye was keen and bright; his cheeks were rosy with the flush of health; his indomitable will and his cheerful spirit bore him along in the constant and efficient discharge of multitudinous duties. The week before he died he left Washington for his home, feeling badly. A few days later I wrote him at his home a letter, to which, by the next mail, according to his punctual custom, I received a full reply in his own handwriting. Two days later, Sunday, came a telegram stating that Major OTEY had died that afternoon.

The morning he died he called for his wife and his check book, wrote a check and handed it to her, stating that she might need the funds in the affairs of the household; then turned to sleep, and awoke only to say "Farewell" to those around him, and so his thoughtfulness of others that had been the good genius of his life threw their love-lit halo over his dying pillow.

Had he worked less than he did or thought as much of himself as he thought of others and of his duties, his life on earth might probably have been prolonged. But as it was, he died with his harness on, while all his faculties were bright, and ere infirmity had sapped the foundation of his usefulness and the happiness of his being. Who can chide that Providence which strives unceasingly for the least of evil and for the best of good?

The State of Virginia had a true citizen and soldier in the person of PETER JOHNSTON OTEY, and one who would have suffered anything and done anything that became a man to serve her.

The Sixth district had in him a Representative who followed what was highest and best in his predecessors and made himself an example of fidelity and utility for those who shall follow him, a shining example which will inspire their best ambitions and sound the bugle call to their best exertions.

The United States had in him a faithful and zealous servant, who, discounting no true instinct and no manly attribute in his breast, did render to them all that their highest ideals could dictate of a patriot's duty.

So he sleeps well and a happy memory remains in the track that he pursued, like the light that fills the sky when some serene and wholesome planet has departed.

The PRESIDENT pro tempore. The question is on the adoption of the resolutions submitted by the Senator from Virginia [Mr. MARTIN].

The resolutions were unanimously agreed to, with the exception of the resolution relating to adjournment.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE MOODY.

Mr. PRITCHARD. Mr. President, I ask that the resolutions from the House of Representatives commemorative of the life and character of Hon. JAMES M. MOODY, late a member of the House of Representatives from the State of North Carolina, may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

#### IN THE HOUSE OF REPRESENTATIVES, February 22, 1903.

*Resolved*, That in pursuance of the special order heretofore adopted the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. PRITCHARD. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from North Carolina will be read.

The Secretary read the resolutions, as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES M. MOODY, late a Representative from the State of North Carolina.

*Resolved*, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

*Resolved*, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

Mr. PRITCHARD. Mr. President, JAMES MONTRAVILLE MOODY was born in Cherokee County, N. C., February 12, 1858, and died at his home in Waynesville on February 5, 1903. He left surviving him a wife and six children, the eldest, a lad of 16, inheriting his father's name.

When Mr. MOODY was 2 years of age his parents moved to Jonathans Creek, Haywood County, where he was reared and where he lived until his majority. In his youth he worked on the farm and went to school until he acquired such education as the local schools could give. Afterwards he continued to labor on the farm, using the means thus obtained to defray his expenses while attending Waynesville Academy and Candler College.

He read law under Judges W. B. Ferguson and W. L. Norwood, and was licensed as a practicing attorney by the supreme court of North Carolina at the January term, 1881, and immediately entered upon the practice of his profession at Waynesville, where he has since resided. He was mayor of Waynesville in 1885, and was elected solicitor of the Twelfth judicial district in 1886. He was the candidate of his party for lieutenant-governor in 1892. He was elected to the State senate in 1894, and was commissioned as a major in the volunteer service of the United States during the Spanish-American war in 1898, and assigned to duty on the staff of Maj. Gen. J. Warren Keifer, and by his manly bearing and conscientious discharge of duty won the confidence and esteem of the officers and men with whom he served and the lasting personal friendship of General Keifer. In 1900 he was elected a member of the Fifty-seventh Congress of the United States from the Ninth Congressional district, and at the time of his death was a contestant for a seat in the next House. Mr. MOODY was a good lawyer, and at the time of his death was quite distinguished in the criminal branch of his profession.

His life was in the main a successful one, and was wholly free from stain. Those who knew him best valued him highest. He was a son of nature, and the mountaineers among whom he was bred rallied to him in every crisis of his career by a kind of magnetic attraction. The humblest constituent felt free to address him by his Christian name, unmarked by any prefix whatsoever. Of humble extraction, he raised himself into a higher sphere without any false dignity derived from his new associations. Like Vance, Swain, Merrimon, Woodfin, and other notable men of the western section of my State, Mr. MOODY was cabin-born, and he continued to be cabin-loving after reaching preferment in another circle. Like those men, he had that intense love for his mountain home which I think distinguishes all born under such surroundings. In life and in death he continued to be of the "plain people," as Mr. Lincoln called our yeomanry, meaning it to be, as it was, the language of affection. Mr. MOODY was a man of stalwart physique, in the very noon of life, and enjoying, until recently, the fullness of health, hence his death came as a shock to his friends, his constituents, his party. He was a most devoted Republican, exhibiting at all times strong and unflinching convictions. And yet he maintained throughout repeated campaigns the respect of his opponents, and died with the good will of all men. The legislature of his native State adjourned in honor of his memory, after taking suitable action to preserve it, although a very large majority of its members were active partisans of a different political faith.

His funeral was largely attended by his friends and neighbors, who were anxious to show their respect for the memory of one whom they had known from his earliest childhood. I am told that his end was peaceful; that he faced his higher destiny with unabashed brow and saw the seals of his fate unrolled without fear. He had his faults, but against his failings he made fight, manful fight, and if he but partly won let us leave the unfinished fight, as he did, to a stronger arm and a brighter intelligence.

Mr. President, perhaps the most worthy service rendered by my deceased friend, and one with which his name will be honorably connected in the coming years, was his labor in behalf of the Appalachian Park Reserve. To that enterprise he gave the best energies of brain and body. It was nearest his heart to the day when he was stricken with the fearful summons to lay aside his work on earth. That his fondest hope in behalf of that truly national project will yet find fulfillment I have never permitted myself to doubt. The magnificent territory between the Blue Ridge and the Alleghanies, stretching through several of our finest Atlantic States, giving nurture to the streams which later become national highways, crowned with the loftiest watersheds of the East, and adorned with such flora as no other temperate zone can show, is destined under God to be the pleasure ground of half the continent.

When that reasonable and worthy hope is realized I fancy a sweeter sleep will steal over him whom we have lately laid to rest. I fancy some kind ministering messenger will be sent to give him word that his last work on earth was not wholly fruitless.

Mr. MALLORY. Mr. President, it is a natural impulse that prompts those who, by association or observation, have learned the intrinsic merit of one who has closed a life of usefulness, to pay such tribute as can be conveyed by our inadequate powers of expression, to the memory of such a career. When Death has placed his imprimatur on the last chapter of our little earthly life story, and what we have done for good or ill has thereby become fixed forever, a part of our irrevocable and unamendable record, it is eminently proper that not only those who have the incentive of personal affection, but that those who in the casual intercourse of a strenuous existence have had occasion to note exceptional and shining traits in the character and career of one who has passed away forever, should also put in as permanent a shape as possible the results of their observation. This impulse ought to have, and generally does have, with the thoughtful, a higher and nobler inspiration than that which evolved the maxim of the ancients which enjoined nought but good when speaking of the dead. Example is the most potent of preceptors. The object lesson is the most impressive method of reaching the understanding and shaping the inclination of the young, and the oftener we can present to their plastic minds authentic illustrations of character which of itself conquers adverse environment, rises to eminence by its innate merit and wins the respect and esteem of good men and women, the greater the probability of our inspiring those who are to follow us with a zealous purpose of emulating such virtue.

The life story of JAMES MONTRAVILLE MOODY is sufficiently striking to justify us in essaying to preserve it from oblivion. Born among the mountains of western North Carolina February 12, 1858, he died one week before his forty-fifth birthday, on February 5, 1903. The illness which ended his life began here in Washington, but did not prove fatal until after his arrival at his home in Waynesville, where he breathed his last, surrounded by his wife and six children, the eldest of whom, a boy, is 16 years of age.

Like most of the people of that part of North Carolina, young MOODY's parents, during his boyhood, were in very moderate circumstances, and for a number of years his attendance at the local school was made subordinate to his attention to farm work. As he grew older and began to develop the splendid physique which in the full flower of manhood made him a most striking figure, he worked industriously on a farm until he had accumulated means enough wherewith to pay his schooling at the Waynesville Academy for two years and to place him at Candler College in North Carolina, where he remained one year. Having thus acquired a fairly good education, he returned to Waynesville, and while maintaining himself there studied law and was admitted to the bar in 1881. In 1886 he had by his industry and ability so impressed the people of the twelfth judicial district that they elected him prosecuting attorney for that district, which position he filled for four years with credit to himself and advantage to the State.

In 1894 he was elected to the State senate of North Carolina for two years, and continued the practice of law until the beginning of the recent war with Spain, when he volunteered and served throughout that war on the staff of Gen. J. Warren Keifer as major and commissary. In November, 1900, he was elected on the Republican ticket to the Fifty-seventh Congress from the Ninth Congressional district of North Carolina, which position he was filling at the time of his death.

The characteristic feature of this brief record of his career is his purpose and unremitting effort to advance himself in obedience to the promptings of an honorable ambition. It is difficult for one unacquainted with the conditions that environed his youth to appreciate the depressing, almost insurmountable obstacles with which he had to contend in his progress upward. The region in which his youth was passed was isolated from the busy, bustling world by the rugged ramparts of the Appalachian Range, and to a certain extent was a terra incognita even to the people of other sections of North Carolina. Hard conditions and hard living were the rule, and the young men of that section who aspired to rise unaided to commanding positions in the eyes of the people of any considerable part of the State could not well exaggerate the seriousness of the undertaking. But young MOODY was of a material as rugged and unyielding as the blue-hazed mountains that, from his infancy, had shut in his horizon from the outer world. An early taste for reading had developed in him aspirations and ideals which the narrow sphere in which he moved and the hard conditions in which his lot seemed to have been cast would alone have scarcely justified. But the fever of a noble ambition was in his blood, and with eye steadily fixed upon the goal at which he aimed, he undauntedly dedicated himself to an unswerving pursuit of the difficult upward path that he had elected to follow. How well he adhered to that purpose is amply revealed by the brief recital I have given of the salient events in his public life.

Among his people those elements of character that make for strength, truth, and justice always attract attention, and when tried and proven they never fail to command general confidence and favor. Singularly modest and unassuming, of manner as gentle as a woman, and with a heart as responsive as that of a child to the griefs of others, this stalwart, kindly-eyed mountaineer grappled to that heart with hooks of steel the unreserved affection of all who came in intimate contact with him. Yet was his amiable and sympathetic nature untainted by any trace of weakness. Never self-assertive in nonessentials, he was as unyielding in the support of the principles in which he believed as the basic rocks of his native hills. It is said of him by those who best knew him that in the several heated political contests in which he actively and successfully engaged as a principal he never lost a friend nor made an enemy.

It would be strange indeed if such a character, so steadfast and true in the observance of his public obligations, should have been otherwise than a devoted husband and father. He was essentially a son of the land of the sky, and, like the eagle, he fretted and chafed when exiled from his mountain home. To him his modest home at Waynesville was the altar at which he worshiped and within its walls were enshrined the objects of his soul's adoration. It was his fondest hope to give to his children advantages which he had been denied, or which, at best, he had but imperfectly enjoyed, and without doubt the bitterest pang he experienced, when realizing that his hours on earth were numbered, was in the thought that those loved ones, so dependent in their weakness, should be bereft of his guiding hand and sheltering affection.

The spectacle of a helpless little brood, hushed and awe-stricken, in the presence of a calamity so dire, the enormity of which their understanding fails fully to comprehend, is one that we are constantly called on to witness; but witness it as often as we may, its recurrence never fails to thrill our hearts with sympathetic emotion and to cause us to marvel at the mystery of our ways—

That are never all in darkness, and are never wholly bright.

Mr. President, there exists in the minds of many worthy people an impression, little short of conviction, that active participation in political life, as we have it in this country, is essentially demoralizing, and that the man who devotes himself to the pursuit of such honors and distinction as constitute its prizes must necessarily suffer more or less moral detriment.

That, unhappily, there have been instances which those who make this contention may cite in its support will not be denied, but such cases are relatively rare, and certainly can not justly cast a smirch on the memory or reputation of the many honored names that adorn our political history.

That political life, like any other sphere in which men contend with each other, presents temptations, which embraced will produce demoralization, is undoubtedly true, but that such temptations are less successfully resisted in the political than in other fields of acute human contention is controverted by the observation and experience of every unprejudiced mind.

The life and career of the subject of this sketch is illustrative of this view. After having won all the honors for which he had striven—and his political contests were always characterized by energy and zealous effort on both sides—he remained the same kindly, unaffected character, the same frank, honest, and outspoken exponent of truth and justice that he was when as a young man he won the respect, esteem, and devotion of the sturdy mountaineers with whom his fortunes were cast. In his make-up there was no alloy, no baser metal that could be marred by the corroding touch of sordid influences.

A modest, unaffected gentleman; a citizen who enjoyed the confidence and personal regard of all classes of his fellow-citizens; a patriot who, at the first peal of the dread tocsin of war, stepped to the front with sword and life dedicated to his country's cause; a representative of his people in the nation's great council, justly conservative, but ever alert to the interests of his constituency, and a husband and father most devoted; his life story, rounded and complete, will ever be an inspiration to those who, disheartened by repressive conditions, yet aspire to the realization of loftier ideals.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions submitted by the Senator from North Carolina [Mr. PRITCHARD].

The resolutions were unanimously agreed to, with the exception of the one relating to adjournment.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE RUMPLE.

Mr. DOLLIVER. I ask the Chair to lay before the Senate the resolutions of the House of Representatives in relation to the death of the late Representative RUMPLE.

The PRESIDENT pro tempore. The Chair lays before the



Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES.  
February 22, 1903.

*Resolved*, That the House now proceed to pay tribute to the memory of Hon. JOHN N. W. RUMPLE, late a Representative in the House from the State of Iowa.

*Resolved*, That the Clerk communicate this resolution to the Senate.

*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of this resolution to the family of the deceased.

Mr. DOLLIVER. Mr. President, I submit the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from Iowa offers resolutions which will be read.

The Secretary read the resolutions, as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN N. W. RUMPLE, late a Representative from the State of Iowa.

*Resolved*, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

*Resolved*, That, as an additional mark of respect, the Senate, at the conclusion of these ceremonies, do adjourn.

Mr. DOLLIVER. Mr. President, in view of the pressure of business in these closing hours of a Congress unusually occupied with important questions, I am sure that the Senate has acted with propriety in appointing this hour in which to consider the public services of JOHN N. W. RUMPLE, late a Representative in Congress, whose death has been so sincerely mourned by his colleagues and friends here and by the people of Iowa at home.

There is an almost tragic significance in the frequency with which the shadow of death has fallen upon the membership of the present Congress. So often has the present House of Representatives been called upon to take notice of the death of a member and to set apart a time for memorial exercises that a departure, at once thoughtful and beautiful, has been made from the customs of the past in the selection of the Sabbath day for those tributes of respect and affection which are never amiss when men honored and famous in the public service fall at their post of duty.

I am glad we have the quiet and peace of the Sabbath in which fittingly to commemorate the character and career of the men out of respect for whose memory these solemn services have been arranged. I had been requested by the distinguished Senator from Oregon [Mr. MITCHELL] to speak a few words in affectionate remembrance of his colleague, the Hon. Thomas H. Tongue, who suddenly passed away in this city, after a long and distinguished service in the House of Representatives. But before the date arrived in which the memorial could be held the hand of death had fallen upon my own colleague, and the mournful duty was laid upon me to pronounce a eulogy here upon one who was not only my personal friend and associate, but very close to the hearts of the Iowa constituency which had given him a commission to act for it in the House of Representatives.

While his career was cut short before he had completed his first term of service, few men in our State have gained a firmer hold upon the good will of the people or more thoroughly deserved their confidence than Captain RUMPLE.

His death came with a sense of personal loss to all who have served with him here, and throughout the Commonwealth of Iowa his name is spoken with love and gratitude. He was in a high sense a representative of that people—he stood for the State in everything that brings a man into harmony and partnership with the community in which he lives. His life had in it all those elements which give symmetry and dignity to human character. There is in his biography just that succession of tasks well done, that series of modest achievements, that constant progress from strength to strength, which make up a record of usefulness while men live and of affectionate remembrance when they are gone.

The life of such a man is in itself a refutation of every morbid school of social philosophy which seeks to overturn the institutions of society in order to make life worth living and manly effort worth making.

Captain RUMPLE died an honored member of that great popular assembly to which under our institutions the most important interests of the Government are in a peculiar sense committed. He did not live long enough to secure there the position which his talents and his character would have brought to him if his life had been spared. He had the exact qualifications which under the training and discipline of long service would have given him a conspicuous rank among the leaders of the House. He had that poise and equilibrium of faculties, that fine combination of good-fellowship and good sense, which needed only time and experience to be molded into the highest type of leadership.

From a long acquaintance with him I may safely say that he had little ambition for the honors of political life. At any rate there was entirely lacking in his disposition any of that feverish

anxiety for the power and distinction of office which so many times turns the arena of our politics into a scramble for place and for spoils. He was selected as the candidate of his party in a district where a nomination is by no means equivalent to an election and at a time when the chances of election were by no means certain, because of his peculiar hold upon the people among whom he lived and on account of those personal characteristics which made him specially available for the contest which was before his party.

While he was a strong partisan, never doubtful in his allegiance, there was in him a breadth of culture and a depth of conviction which always enabled him to accord to others full credit for integrity of purpose and to hold the differences of partisan opinions in an atmosphere of neighborly kindness and good will.

He had a long training in the humbler and less ostentatious affairs of life before he was called to the discharge of the more important duties which belong to citizenship. He was born on a farm in Seneca County, Ohio, on the 4th of March, 1841. A somewhat careful study of the biography of those who have done most to shape the development of our institutions has led me to the conclusion that the American farm home has had more to do with the nurture of those who have made their mark either in public or private life than any other one thing, and possibly than all other things put together. There is a uniformity, a pleasing monotony, in the biography of great men the world over, which has led at least one famous philosopher of our day, Count Tolstoi, to recognize among the laws of nature which express themselves in the progress of society that there is no possible strength either of mind or body or character that does not come up into a man out of plowed ground through his bare feet.

Captain RUMPLE was not born in any abject surroundings of poverty; he was born upon the average level of life where nearly everybody else is born; that level of life which has given to the world men like Lincoln and Grant and Garfield; that level of life which appears to be providentially adapted to the education of every important personal factor in the building of the nation.

His father died while Captain RUMPLE was still a child, and in 1853 his widowed mother, taking counsel of her children and relatives and friends, started out upon a long journey from Fostoria, Ohio, to the land of promise in the mysterious West, that she might make a home for her children and enable them to gain a fair start in life. To my mind there is in that little party of movers, traveling in wagons hundreds of miles to make their home in a new and strange land, a heroism hardly realized now, as we read the simple and uneventful story of their journey. When we reflect upon the hardships which attended the settlement of the frontier and put ourselves in touch with the brave hearts who set out on this errand of civilization, without complaint and without fear, it ought to make us ashamed of the thousand voices of weakness and cowardice which have filled our generation, favored by Heaven above its just deserts, with whisperings of discontent and incoherent protests against the very framework of government and society.

That widowed mother of six children, carrying them in a covered wagon across the States of Ohio and Indiana and Illinois, beyond the Mississippi, to find a home for them, where by toil and sacrifice they could make their way in the world, is a type of a stalwart self-reliance which will be respected among men long after the social reformers of more pretentious times have been dismissed with contempt from the intellectual life of the American people.

The family had not long been in Iowa before young RUMPLE, then a lad of only 12 years, was doing a man's work in opening up a new farm, and while the burdens and labors of making a living were heavy enough, they were not so heavy as to crowd out the desire and purpose of the boy to get an education and increase the field of his opportunities. The State of Iowa was fortunate in the character of its early settlers. They were poor in nothing except money, and that fact in itself has given, I think, to our people a higher ideal of life than could have otherwise been possible; for while the Rumble farm was in a remote and sparsely settled neighborhood, the young man did not have far to go to find a little academy in a neighboring county well situated not only to give him the rudiments of an education, but, what is more important than mere knowledge, the inspiration and ambition which make the student and the thinker.

I do not know what studies he pursued at Ashland Academy, but a year later we find him at one of the pioneer colleges of the State, preparing himself to become a school-teacher. After teaching school for two years he entered the normal department of the State University, studying one term and teaching another, until the summer of 1861, when he laid down his books and gave his name to an enlisting regiment of the Union Army.

This is a short and not uncommon story; nevertheless it will bear examination; and I confess that the more I think about it the more interesting it becomes. It is the story of a young man,

without the help of friends or influential connections of any kind, fighting his own way step by step, with a firm grip upon his own resources, asking no odds in the struggle, and quitting it only because he counted his obligation to his country superior to any duty which he owed to himself.

His colleagues in the House of Representatives who were also his comrades in the Union Army have spoken of his military record. He entered the service as a private in Company H, Second Iowa Cavalry, and when the war was over he bore the modest rank of captain, having received his promotions one by one for gallantry in the field. I look upon Captain RUMPLE's four years' service in the Union Army as the noblest chapter in his biography. He had the opportunity that comes to the youth of the nation only once, it may be, in a century—the opportunity of helping defend the life of the Republic. To have been permitted to bear even an humble part in the national defense was in itself a title of distinction and a crown of glory. He was only one of more than a million men, nearly all of them enlisted from the humbler walks of life, yet every one of them has a share in the victory of the nation, and every name of the Grand Army is a part of the history of the world.

The record of such a life is complete even if after the war was over he had fallen back to the lowly surroundings from which he came; nor could any possible subsequent achievement overshadow these four immortal years.

Not many months ago I stood with multiplied thousands of his countrymen by the grave of one whose career until the last twenty years of his life, was almost an exact counterpart of the life of Captain RUMPLE—a country boy, a student at a village academy, a district school-teacher, a Union soldier entering as a private and coming out with the rank of major, a lawyer at the county seat, a Representative in Congress—faithful in all the little things within his sphere of duty. He afterwards rose to supreme influence in the councils of his country, and when he died the sorrow of the world was mingled with the pomp and ceremony of his funeral. But when I saw the worn and feeble remnant of his old regiment drawn up as a guard of honor about his tomb I did not even look at the glittering pageantry with which the nation had surrounded the closing scene of that great life; for there is no station in the world so high, there is no coronation of fame so splendid, that it can make the uniform of the Grand Army of the Republic seem insignificant or out of place.

Captain RUMPLE began the study of law after his regiment was mustered out, having only the advantages that come to a student in a prosperous law office at his own home. It is not certain, after all, that even the best-equipped law schools can do as much toward the education of a lawyer as can be done under favorable circumstances in an office where practice of the law is a part of the course of study.

However this may be, it is certain that Captain RUMPLE very rapidly developed into one of the profoundest lawyers and most sagacious advocates at the Iowa bar. His method of study was characterized not only by diligence, but by thoroughness, and when he was admitted to the bar he became the partner of his instructor and began a professional career marked by conspicuous distinction and success.

As an advocate trying cases in the community where his lot had been cast from his youth up, he had the advantages which always belong to character and high standards of conduct. The people trusted him, believed in him, sought his counsel, committed their interests to his hands, and during the period of his active practice of the law his name was creditably associated with much of the important litigation in his own and surrounding counties.

While he was engrossed with the cares of an arduous profession, he was never oblivious to the duties of citizenship. In politics he was an ardent Republican, giving generous attention to public affairs, and never without active interest in the concerns of his party and in the business of the State.

In 1873 he was chosen a senator, and served in the fourteenth, fifteenth, and sixteenth general assemblies of the State. He was a persuasive public speaker, and no campaign passed without his active participation in discussions before the people. He was faithful in his discharge of the everyday business of citizenship. The last time he was seen by his townsmen upon the street was at the recent election in November, when, though his body was racked with pain, and he knew that his time was short, according to his lifelong custom, he went to the polls to cast his vote.

During the years of his professional activity, while he sought no office, he was chosen for many important public services, mostly of a nonpartisan character, to which he gave patient and careful attention. He was a member of the board of regents of the State University, and curator of the State Historical Society, and from time to time, when his neighbors and fellow-citizens requested his services, he did not look upon it as beneath his dignity to become a member of the school board or the city council and mayor of the town in which he lived.

While these offices of trust, without salary, did not distract his attention from his duties as a lawyer in active practice, they serve to illustrate the manner of man he was, and explain in a measure, at least, the strong hold which he acquired upon the community in which he had resided nearly all his life.

He was elected to Congress in 1900 in a district notable in Iowa for its hard-fought political battles, and would have been renominated and reelected if the disease which soon broke down his strong constitution had not already warned him that the time of his departure was at hand.

In all the relations of life Captain RUMPLE exemplified the law of Christian living. He was identified with the Presbyterian Church and gave to its work and service a helpful spirit and a loyal devotion. There is no stain upon the life of this man. He died among the neighbors and friends of a lifetime, in the community to which his mother had brought him as a boy with the pioneers of Iowa.

The love and confidence of the people, which he enjoyed while he lived, were illustrated by the universal grief which followed the news of his fatal sickness. With courageous heart he had met and conquered the difficulties and hardships of life; with patient fortitude he bore the afflictions of disease; death had no terrors for this old soldier; the future no shadows for this man of humble Christian faith.

Mr. BURTON. Mr. President, on the wall in my study there hangs a picture of a well-developed and happy infant, balanced on a sea shell, floating upon a smooth surface of water. Falling full on the figure from the sky is a flood of brilliant light, while in the distance from where the shell boat seems to have floated there is only impenetrable darkness; on the other side of the picture, toward which the little craft is floating, there is not one ray of light. I have often thought this picture a symbol of life. We come out of darkness into the light and after a brief time enter the shadows again. Humanity through all the ages has looked backward and forward trying to penetrate the sable curtain which separates us from the past and the future. "I want to know" trembles upon the lips of youth, manhood, and old age. Every one would know his origin and his destiny, but, alas, the longings of the soul can not be satisfied. From the realm of shadows no voice comes to us. No sublimity light reveals either the stage of our former or our future existence. Something there is within that makes us feel and know that we are immortal, but beyond that faith we can not go. It is this ignorance of the future that gives to death its greatest terror. The separation from loved ones is hard to bear, but not to know when and where we meet again is the appalling thought that comes to the stoutest heart in facing the king of terrors. But if we can not tell with certainty what our lot will be in the future life we all believe—do we not know—that our condition there depends in a measure upon our acts here. As goodness is rewarded and wickedness is punished here, so we are taught to believe it is the same on the other side of the river.

I never knew personally the deceased Hon. J. N. W. RUMPLE. I am told by those who did know him that he was a good man; that the talent given him had been used in every relation of life to the very best advantage; as a farmer's boy performing the hard labor in the field; as a youthful soldier bearing bravely and gallantly the burdens of the march and in battle, rising through gradations from the ranks to important command; and later as a citizen respected by all as a solid, sensible country lawyer, grounded in the principles and practices of his profession, trusted by his clients; as a politician in the highest, purest, and best sense of the term he bore himself bravely and well. That is all that was required by the Master. When summoned for an accounting he was ready, and let us all hope and believe that he heard the cheering words as he landed on the other shore, "Well done, thou good and faithful servant."

Mr. ALLISON. Mr. President, in the death of JOHN NICHOLAS WILLIAM RUMPLE the State of Iowa loses a leading lawyer and a useful citizen, and the nation loses a careful, painstaking, and intelligent legislator. Captain RUMPLE—well known throughout the State by this title—was a splendid example of that type of self-made men who rise from humble surroundings, against adverse circumstances, to positions of great usefulness, honor, and responsibility.

He was born, as my colleague has stated, on a farm in Ohio on the 4th of March, 1841, and his early boyhood was spent in that State. At the age of 10 his father died, and two years later we find this sturdy boy, in company with a number of relatives, making the overland trip in a wagon from Ohio to Iowa with his mother and five other children. They settled on a farm in Iowa County, one of the interior counties near the center of the State, which continued to be his home from that time until his death. The settled portions of the State then bordered on the Des Moines



and Mississippi rivers and Iowa County was sparsely populated. There was no railway communication, the wagon roads were few and no markets within many miles, so that the products of the farm could only find a market at Muscatine or Davenport, then small towns on the Mississippi River nearly 100 miles distant.

The community in which this family settled was at that time practically without schools, but young RUMPLE, blessed with a noble mother, lost no opportunity to acquire the rudiments of an education in this humble home, having there instilled into his mind pure morality, the fear of God, and the teachings of Christianity. In this sparsely settled region, with only scattered villages, and with these few opportunities, were molded that uprightness of character and loyalty to duty which became marked traits of his manhood, and which served to guide him through his eventful life.

A few years later this portion of Iowa was rapidly settled by hardy and sturdy men and women from the older States, and, fortunately for him, the farm upon which he was reared was in the midst of a congenial and intelligent population and in near proximity to the capital of the State, then at Iowa City, which became the seat of the new State University. At the age of 16 he attended a private academy in a neighboring county, and later became a student at a recently established college in the adjacent county of Linn, and still later at the State University. To enable him thus to extend his education, he alternately taught school during the winter months and attended to his studies during the spring and fall terms.

At the age of 20 he enlisted as a soldier in the Second Iowa Cavalry and served with this regiment during its long and perilous career, covering the entire period of the civil war. This regiment was constantly engaged at the front and was in many sharp conflicts and battles in the South and West, from New Madrid and the siege of Corinth to the battle of Nashville. All his comrades testify that Captain RUMPLE during this long period was a brave and fearless and ideal soldier, always at the post of duty.

After four years of this difficult and arduous military service, he was mustered out as a captain at the age of 24 years. He returned to his home and at once entered upon the study of law at Marengo, and two years later was admitted to the bar. From that time until his election to Congress he was in the active and successful practice of his profession. His steadiness of purpose, his devotion to every duty assigned to him, and his spotless integrity soon won for him the confidence, esteem, and affection of all those with whom he came in contact, and he advanced rapidly in the profession.

He took an active part and a deep interest in the public affairs of his county and State and contributed largely to the growth and development of the State, holding many positions of honor and trust, and he was especially devoted to its educational interests. He was for many years prominent in both houses of the general assembly of Iowa. In the early seventies he was elected to the State senate and served there with distinction, acquiring a wide reputation as an able and useful legislator. He became curator of the State Historical Society, and for a long time was one of the board of regents of the State University. Thus he early became a valued and valuable counselor as respects all the great affairs of the youthful and rapidly growing State of his adoption.

Nearly twenty years ago he was put forward as a candidate of the Republican party for Congress in what was then the Fifth district of Iowa, and lacked only one vote of being nominated in a district then largely Republican. Soon after, by a new apportionment his county was included in the Second district, and he was not again a candidate until 1900, when the Republican convention of that district unanimously named him as its candidate for Congress. Though for some years it had been carried by the Republicans it was regarded as the closest district politically in Iowa, being considered in doubt during the canvass which followed his nomination. But after a contest of great activity, when the votes were cast and counted, it was found that he had a good majority.

It is pathetic to record that before he had taken his seat in Congress he was seized with a fatal malady, and death had cast its ominous shadow across his pathway. Owing to this malady he was able to serve in the House of Representatives only during the first session of this Congress, not being well enough to appear in his seat at the commencement of the present session. During this period of his service, though brief, he demonstrated his ability, notwithstanding his physical infirmity, to achieve success for his district and for the people of Iowa in the large field of national legislation. He gave close attention to the details of the tasks assigned to him, and made many friends in the House, as it was early seen that he possessed the qualities of a successful legislator, being always safe and conservative, a man of good judgment, and having a wide knowledge of public affairs.

Patient, persevering, and diligent, he found no pleasure so great as the pleasure of serving his friends and doing good wherever and whenever he had an opportunity. He was an honest and honorable man in the highest and truest sense. In his personal relations he was kind and true-hearted, steadfast and loyal to every duty, true to friends, and harbored no resentments against those who, for any reason, differed from him.

He was especially fond of the comrades with whom he served during the civil war, and greatly enjoyed the annual regimental and brigade reunions, and he was known personally to the surviving soldiers with whom he had served. All these will deeply deplore his separation from them by his untimely death. The affection and esteem in which he was held by them was also shared by the great body of the people of Iowa, who knew him well and who likewise deplore his death.

It was my fortune to know him well for more than thirty years, and during all this period, without interruption, he was my personal friend. He was in the Iowa senate when I was first elected to this body. Early in our acquaintance I became strongly attached to him because of his manly traits, his fidelity to friends, and his generous treatment of those who were personally or politically opposed to him. This attachment and friendship continued until his death, and I much regretted that my duties here prevented me from following him to his last resting place, that I might thus give token of my friendship and affection for him during his life. His death is to me a personal grief and loss.

Mr. President, I ask for the adoption of the resolutions presented by my colleague, with the exception of the one relating to adjournment.

The resolutions were unanimously agreed to.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE TONGUE.

Mr. MITCHELL. Mr. President, I ask that the resolutions of the House in memory of the late Representative TONGUE, of Oregon, be now laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,  
February 22, 1903.

*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. THOMAS H. TONGUE, late a member of the House of Representatives from the State of Oregon.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. MITCHELL. Mr. President, I offer the resolutions which I send to the desk, and ask for their present consideration.

The PRESIDENT pro tempore. The resolutions will be read by the Secretary.

The Secretary read the resolutions, as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. THOMAS H. TONGUE, late a Representative from the State of Oregon.

*Resolved*, That the business of the Senate be now suspended, in order that fitting tribute may be paid to his memory.

*Resolved*, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Mr. MITCHELL. Mr. President, the practice which has long obtained in the Congress of tendering public tribute to the memory of departed members is both appropriate and beautiful. These ceremonials are, however, liable to be, and sometimes are, marred and shorn of their appropriateness and worth by exaggerated encomium. Our zeal in desiring to speak well of a friend is liable to tempt us to indulge in unwarranted phrase in his praise. Not unmindful of this, it is my purpose in the few words I am about to say to adhere strictly to the truth as I understand it and avoid anything like fulsome eulogy. A true, unvarnished statement of the characteristics, of the life work, public and private, of THOMAS H. TONGUE is the highest meed that can be tendered his memory, and all that could be desired by the loved ones he left behind or by his most ardent and devoted friend.

THOMAS H. TONGUE, late Representative in Congress from the First district of the State of Oregon, was born in England, June 23, 1844, and passed suddenly into the other life at his Washington residence on Sunday, the 11th day of January, 1903, at 1 o'clock p. m., in the presence of his daughter and other members of his family.

He came with his parents to this country and located in Washington County, Oreg., November 23, 1859, nine months after the admission of Oregon as a State, that being his home until the date of his death. He was of poor, but highly respected parentage, and personally worked on a farm evenings and mornings to secure means to carry him through school and university.

As indicating his disposition and habits at this period of his life, I beg to quote the following, from an interview given at the time of his death by Hon. Benton Killin, of Portland, Oreg., a leading

lawyer of the State, and a classmate in the university with Mr. TONGUE. Mr. Killin said:

The news of Mr. TONGUE's death was a great shock to me. When I was mustered out of the Army at the close of the war, I went to Pacific University to get some training, and found Mr. TONGUE there ahead of me. We were in the same class together, and have been close together ever since. At that time he was no dawdler. He knew what he wanted and how he was going to accomplish it. Evenings, mornings, and Saturdays he grubbed on oak grubs for Deacon Naylor, and earned his way through college in that way, and all through life he knew how to clean away the weeds, moss, and earth and get down to the taproot of things. He was a hard man to try a case against, full of resources—"though beaten, could argue still."

He graduated from the Pacific University, at Forest Grove, Oreg., in June, 1868; was admitted to the bar at Salem in 1870, and became at once an active and successful practitioner in his profession at Hillsboro, Washington County, Oreg. He continued in the active practice of his profession, so far as permitted, consistent with the performance of official duties, throughout his life. He also engaged largely in farming and the raising of live stock. He was a great lover of a fine horse and never happier than when the conversation turned to the horse. He bred some of the finest live stock, both horses and cattle, on the Pacific coast.

His first active participation in politics was at the June election in Oregon in 1888, at which time he was elected a member of the State senate for a term of four years. During this service he served as chairman of the judiciary committee. Heat once came to the front as an industrious member and a ready, convincing debater. In 1890 he was made chairman of the State Republican convention. From 1892 to 1894 he served as president of the State organization of Republican clubs; was a delegate to the Republican national convention at Minneapolis in 1892, and was the Oregon vice-president of that convention.

Again in 1894 he was made permanent chairman of the State Republican convention, and was a member of the State central committee for ten years, from 1886 to 1896, and chairman of the Republican Congressional committee of his district from the time of its organization until his nomination as a member of the Fifty-fifth Congress. He was elected to the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses, and was also in June last reelected to the Fifty-eighth Congress. As evidencing the great satisfaction of his constituents with which he served his district, his plurality was increased at each election as follows: At his first election his plurality was 63; at the second, 2,090; at the third, 3,100; and at the fourth, 7,318.

Although a native of England, every fiber of his composition was American; although, in common with those who entertain that laudable sentiment held by every true man, he cherished with becoming reverence the land of his nativity, yet in all that pertains to the upbuilding and perpetuity of republican institutions, the development and promotion of political principles and republican government, he was essentially and uncompromisingly an American, and in his whole public career the fact of the accident of foreign birth was lost sight of in his uniform and able advocacy of, and devotion to the great fundamental principles of the Government of the land of his adoption.

It must, without indulging in fulsome encomium, be said that THOMAS H. TONGUE was an able man. The web and woof of his mental make-up were of strong and inflexible texture. His natural attainments were of a character far above the average, even of our public men. He was, moreover, a man of culture. He was a university graduate, a close student of the world's literature and of the political institutions of this and other countries. He came, therefore, to the performance of his public duties more than ordinarily thoroughly equipped for their energetic and faithful performance. Although more scholarly in attainments than many others who are more demonstrative in their public display of these qualities, he was modest, unassuming, and entirely free from anything of a pedantic nature. While it could not properly be said of him that he was brilliant as an orator, it can be truly said he was able and convincing in debate, and pleasing and attractive as a public speaker.

As a representative of the people he was untiring in his efforts to accomplish for them every possible good. He was remarkably successful in guarding, protecting, and promoting their interests. He was, from his first entrance into the arena of politics, an uncompromising Republican and an able advocate of the principles and policies of the Republican party.

As a lawyer THOMAS H. TONGUE stood in the front rank of his profession in his adopted State. As a successful advocate before both court and jury he had but few equals and no superior. He was held in the highest esteem by both bench and bar. In his death the bar of the State of Oregon loses one of its most distinguished and honored members.

In an interview at the time of his death Chief Justice F. A. Moore, of the supreme court of the State of Oregon, said:

My acquaintance with Mr. TONGUE began twenty-five years ago when we met as attorneys, and that acquaintance ripened when we served in the legis-

lature together. His death is a great shock to me. As an attorney he had few equals; as a debater he had no superior. It will be very difficult to find anyone who can fill his place.

Bearing upon the question as to the estimate of his ability and attainments entertained by leading men of his State, and the great esteem in which he was universally held, I beg to submit the following quotations from a few of the many interviews given out at the time of his death:

Hon. T. T. Geer, then governor of the State, in an interview, said:

Few things could have happened that could have caused more profound regret in every household in Oregon than the death of Representative TONGUE. Its unexpectedness has but added to the shock. I regarded Mr. TONGUE as one of the ablest men in the State, and certainly he had few superiors as an entertaining and attractive public speaker. In point of ability he easily ranked above 75 per cent of the members of Congress, and his influence there was equal to his ability. His death is a distinctive loss to the State.

Hon. George C. Brownell, president of the Oregon State senate, said:

I am exceedingly grieved to learn of the sudden death of Hon. THOMAS H. TONGUE, and view it as a personal loss on account of my personal friendship for the man. Mr. TONGUE was a man of decided ability, and most earnest, untiring, and successful in his efforts for the State he so ably represented. He was a very strong man and a rising man. His position in Congress was safe for many years had he lived. His late speech on the irrigation question undoubtedly increased his reputation and showed that he was a man of much ability and great force.

Hon. L. T. Harris, speaker of the house of representatives of Oregon, said:

Mr. TONGUE's sudden death came as a shock to his wide circle of immediate friends. By untiring industry and native ability Mr. TONGUE acquired a prominent standing and great influence as a member of the National House of Representatives. His public career has been a credit to himself and an honor to the State. His death is deplored.

Senator R. A. Booth said:

His energy, ability, and worth were recognized by Congress, and he was an important factor in its decisions. Among Oregon's Representatives he has never been excelled. The knowledge of his worth has widened with the years of his service. The loss is irreparable.

Representative Frank Davey said:

I knew Mr. TONGUE well and intimately in all relations of life. He was a good man and citizen. He was the ablest debater in Oregon. He was an able and valuable Congressman from the start, and he had now reached a position of influence and respect in Congress which makes his death an irreparable loss.

Representative B. L. Eddy said:

Oregon mourns the death of one of her greatest citizens and statesmen. The success of his career was due to his persevering efforts in everything he undertook and to his high standard of morality. He died in the service of his State.

Senator B. F. Mulkey said:

THOMAS H. TONGUE taught the young men of this State that energy and a good degree of talent must triumph over obstacles. As a Congressman he was thorough, keen, and effective in committee and in debate, and was a tower of strength for Oregon at Washington, and his loss from the Rivers and Harbors Committee at this time is an irreparable loss to the State.

Hon. C. W. Fulton, United States Senator-elect, said:

I consider Mr. TONGUE's death one of the greatest losses this State has ever sustained. No able man ever represented Oregon nor, indeed, in my judgment, the Pacific coast. His death was particularly unfortunate, because of the fact that he had secured a very strong position in the House of Representatives not only upon important committees, but in the way of influence, because of his recognized ability. As for myself I feel in his death a personal loss, for he was my friend for many years, a friend whom I ever found earnest, sincere, and manly, and I profoundly regret his untimely death, both from a personal standpoint and the public welfare.

The Oregon State senate, of which years ago Mr. TONGUE was an honored member, on February 20 of this year, just prior to its final adjournment, unanimously adopted and placed upon its record the following resolutions:

Whereas Hon. THOMAS H. TONGUE, Representative from the First district of Oregon in the Congress of the United States, died at Washington, D. C., January 11, 1903: Therefore, be it

Resolved by the senate of the State of Oregon—

First. That in his death the nation has lost a patriot whose voice was uplifted in behalf of the common people; the State an advocate who was ever vigilant in guarding its welfare and in advocating its interest; his friends a companion whose wise counsel and hearty cheer stimulated vigorous action and encouraged manly effort; his family a loving husband and a kind father, whose upright life affords a model for their guidance, and whose interest in their welfare was measured only by his ability.

Second. He possessed strong reasoning power, a sound judgment, a capacious and retentive memory, a vigorous and comprehensive understanding, which entitled him to a high place in the counsels of his fellow-men. He was a prodigious brain-worker, indefatigable in energy and tireless in all his efforts, by which he mastered the details of every subject which engaged his attention. From the time of his admission to the bar he took high rank as a lawyer. In this senate he was one of the leaders, and in the Congress his influence was widely felt. In every station he occupied he was one of the leaders and always took high rank. His sudden death has caused widespread mourning among his friends, who are legion, and to his family irreparable loss.

Third. We tender to his bereaved wife and children our sincere sympathy.

Fourth. That a copy of this resolution be spread on the journal of the senate and a copy be transmitted to his widow by the chief clerk of the senate.

The high esteem in which Representative TONGUE was held by the people of Oregon, irrespective of party, and the great sorrow with which his sudden departure overwhelmed them, was made



plainly manifest at his funeral. The people of the State from all sections came en masse, by numerous special trains and other modes of conveyance, to the place of sepulture. The legislature of the State, the State officials, the county officials of nearly every county in the State, were in attendance. Numerous benevolent societies, a number of which he was an honored member, were present. Being a Mason of high degree he was buried with Masonic honors. Business throughout the State was suspended, and universal sorrow saddened the hearts of all the people. No such tribute was ever before tendered the memory of any citizen of Oregon.

At the session of the Oregon legislature of 1895 Mr. TONGUE was one of the several prominent candidates for United States Senator to succeed Senator Dolph, and on one ballot he received 83 votes, 13 less than the necessary number to an election. This contest ended by the election of Hon. George W. McBride at midnight of the last day of the session. Although not a candidate, his name was being widely and favorably discussed at the time of his death in connection with the election of United States Senator by the legislature that met the day succeeding his death.

Mr. TONGUE, in addition to his practice as a lawyer and his public duties, took a deep interest in various enterprises in his State. He was one of the organizers of the First National Bank of Hillsboro, serving as one of its directors.

Mr. TONGUE was a Past Master Mason. In 1888 he served as State Orator, and in that year delivered the oration before the grand lodge. He also took an active interest in Odd Fellowship. He was also a member of the Grange in his home town.

In all the affairs of life worldly interests are ever coming to the front with their selfish suggestions, and even in the presence of death, and before the opening tomb they will not down, and hence it is we, in this solemn hour, are reminded of the incalculable loss to the State in the death of THOMAS H. TONGUE. But even this consideration is a high tribute to the memory of the dead. With a public record of which all the people of the State, irrespective of party, are justly proud, he had been commissioned by a very largely increased majority to continue as one of their public servants in the Fifty-eighth Congress.

This fourth election was a well-deserved compliment, a just recognition of faithful and efficient public service. No Representative from any State was ever more industrious or more watchful of the interests of his State or more alert in guarding at all points and at all times the rights and interests of the people he so ably represented. His successful services as a member of the River and Harbor Committee of the House of Representatives in procuring needful appropriations for our rivers and harbors, not only of Oregon, but of the whole country, can not be overestimated and will not soon be forgotten.

To him as chairman of the Committee on Irrigation of Arid Lands is largely due the House legislation of last session of Congress upon the all-important subject of the irrigation of arid lands, while his indefatigable labors in securing passage through the House of the bill pensioning the Indian war veterans must stand forever as a bright jewel in his official record, and tears of affection and gratitude will attest the love of these grizzled and grateful veterans so long as any of them are permitted to live. Truly the State of Oregon in the death of THOMAS H. TONGUE has lost an able, faithful, and efficient Representative, her people a loyal, devoted friend.

Mr. TONGUE was a charming personality. He was devoted and constant in his friendships, unyielding in his loyalty to friends, uncompromising in his fidelity to every personal and political obligation. No consideration of personal or political advantage or preferment could induce him to swerve a hairsbreadth from the line of his convictions. His personal integrity was never questioned. The legacy, public and private, he has left to his family is free from blot or stain. His public career, so suddenly brought to an end by Him "Who doeth all things well," was, in so far as he was permitted to pursue it, a complete success. From the day he entered upon his duties as a member of the Fifty-fifth Congress until summoned to a higher life, he gradually and rapidly grew in influence, in the respect of his associates, and in the power to command results in the interest of his State and of the nation. As a member of two among the most important committees of the House of Representatives he was in a position to, and did, accomplish much of great benefit to his constituents.

Mr. TONGUE was a man of untiring industry. He never faltered, even before seemingly insurmountable obstacles, in honorable and earnest effort to accomplish his purpose. He was of that class who believe that "life without industry is guilt." He was ever ready to sacrifice personal comfort to advance the interests of his constituents as a whole, or to do a personal favor for the most humble of the number. Throughout Oregon to-day many hearts are weeping and many eyes are moist with tears in grief over the sudden death of their honored representative.

Although suddenly stricken down in the prime of life and in

the apparent noonday of a most honorable and successful public career, and when still higher honors seemed beckoning to him from the future, Cicero's aphorism that "No one has lived a short life who has performed its duties with unblemished character" is truly applicable to THOMAS H. TONGUE. The nobility of a man's life can not be measured by the number of its years. Good deeds, virtuous acts, rather than white hairs or length of days, tell the true history of a man's life, and present an accurate record of his real character. "They only have lived long," says Sheridan, "who have lived virtuously."

Mr. TONGUE left to mourn his departure an aged father and mother, a widow and seven children; two boys and five girls. The elder son, E. B. Tongue, is a rising and successful lawyer in Hillsboro, Ore., while his father's namesake, Thomas H. Tongue, jr., is now preparing for the law as a student at the Columbian University in this city. His daughter Edith is the wife of Hon. A. E. Reames, a prominent lawyer of Jacksonville, Ore.; Elizabeth is the wife of Frank F. Freeman, one of the leading members of the bar of Portland, Ore.; the other three accomplished daughters, Misses Mary, Bertha, and Florence, are unmarried, residing at home.

In the death of THOMAS H. TONGUE I have experienced a great personal loss. For more than a generation we were intimate personal and political friends. In all my numerous political contests he was always my able, invaluable ally, my cordial, efficient supporter, my devoted, uncompromising friend. With a heart full of tears and overwhelmed with sorrow, I mourn the sudden transition of my departed friend, and my heart goes out in deep sympathy to his bereaved and sorrow-stricken widow and children.

"They who go feel not the pain of parting; it is they who stay behind that suffer."

Friend after friend departs.  
Who hath not lost a friend?  
There is no union here of hearts  
That finds not here an end.  
Were this frail world our only rest,  
Living and dying, none were blest.

But, thanks to an All-wise Power, we are consoled with the thought and the abiding belief that "this frail world" is not "our only rest."

This world is not conclusion.  
The sequel lies beyond,  
Invisible as music,  
But positive as sound.

Answering the "one clear call," our friend has "crossed the bar." His bark has gone "out to sea," but what a glorious realization it is, what a comfort and consolation the thought, that what is called death is not the end, but the beginning, of life. It does not mean oblivion, but a glorious immortality. "Death," the poet tells us, "is the gate of life." It is but the disrobing of the mortal garments and the taking on of the beautiful, the splendid, the imperishable habiliments of eternal life. It is the transition from a life of sorrow and care, of sickness and of death, to one of transcendent peace, of eternal rest, of endless life.

His day is come, not gone;  
His sun is risen, not set;  
His life is now beyond  
The reach of death or change—  
Not ended, but begun.

Every soul, which since the beginning of time has been clothed with the destructible habiliments of this mortal life, has, as I believe, an inalienable, an indefeatable, title to an immortal existence in the spirit world, and there among that innumerable host of immortals I confidently hope and expect some day to seek out and grasp the hand of my departed friend.

Life's a short summer, man a flower;  
He dies—alas! how soon he dies!

Mr. TURNER. Mr. President, it is a melancholy pleasure to me to have the opportunity of paying a humble tribute to the memory of the distinguished man who is the subject of these resolutions. I knew him for a longer period, probably, than any member in either House of Congress except his two colleagues in this Chamber. My acquaintance with him began in the year 1884. He was then in the active practice of his profession, which was that of the law, and if he was not the foremost in his State in that noble profession, he was easily amongst the foremost. To say this of one is to say much, because it implies in him uncommon learning, exceptional intellect, and a moral integrity beyond question or suspicion.

No one not favored with these endowments, and with all of them, can become eminent in the legal profession anywhere. Mr. TONGUE possessed all of them and more. Of a modest and retiring disposition, he yet possessed a conscience which impelled him to come forward and a courage which enabled him to do so when private wrong suffered or public injury inflicted cried out for a champion to plead their cause. He was a tribune of the people, but not distinguished alone as a scourge of wrong. He had a kind, generous, and charitable heart and a mind quick and ardent to act on its impulses.

He was as kindly as he was brave, and many are left to testify to a tender sympathy and a generous support characteristic of the man.

Such a man would have been strong in any community. Such a man was doubly strong in that pioneer community in the Far West, to which our departed friend had gone as a little boy, had grown to manhood, and had lived in honor and repute to the day of his death, because it is in such a community that life presents its simplest problems and calls oftenest and most earnestly for the exercise of the primitive and fundamental virtues. So that when I first knew him—now nearly twenty years ago, as my neighbor across the line in the State of Oregon—he was not only eminent in his profession in that State and in my own, but he was an admitted leader among his fellows of all professions and avocations, carrying with him the honor, respect, and affection of all.

He came to Congress rather late in life. This was not because of tardy recognition by his neighbors of his virtues and abilities, but because his private life was full of usefulness and of honor and answered all the aspirations of his modest and unassuming nature. The distinction of public life was not necessary to his happiness, and he sought it not. But it finally and inevitably sought him, and he answered its call as he had throughout all his arduous life answered every call to useful and noble endeavor made upon his energies and abilities by his fellows. Had he lived he would have attained marked distinction in the public life of the nation. As it was, during the comparatively short duration of his Congressional service he reached a position of power and influence among his fellows of the House of Representatives which easily entitled him to be called one of the leaders of that body.

He brought to the performance of his duties there the same energy and ability and learning, the same conscientious devotion to duty, and the same courage in its performance which had always characterized his private life and marked him as one to whom public distinction must necessarily come in this land where the only title deeds to preeminence are high moral and intellectual powers and attainments.

His private virtues were as great as his public life at home and in this Capitol was useful and distinguished. He was a loving husband, a kind and indulgent father, a true friend, a brave, chivalric, Christian gentleman. But he is with us no more. He has passed to that mansion house whose portals open only to the approaching guest, giving to those of us who look no glimpse of that which is beyond and leaving behind only a memory of the guest they have sheltered. We are all traveling the same road, and must tread the mysterious halls of that final abode.

That it will be found to be a mansion of light and life and love Christian faith teaches us to believe, and a mysterious something in the inner consciousness of all mankind, Christian and heathen alike, confirms that belief. At any rate our fathers and mothers before us have trod the road and passed the portals with faith and courage, and why should not we? That our departed friend did so we know. That he has entered on the reward of a life on earth well and nobly spent we believe.

With that knowledge and that belief we take leave of his person as of "one that wraps the drapery of his couch about him and lies down to pleasant dreams."

But the memory of his personality will remain with us through life, and the impulse of that personality, speaking out for good through countless ages like the ever-widening circle caused by the agitation of a silent pool, not only causes it to continue to live on earth, but gives evidence of a high design and purpose which is the most convincing proof that it continues to live in the great beyond. Since we then must soon tread the road that he has trod and are prepared to face the dawn of the new and better day with the same joyful hope and confidence, we cry to our friend through the mist and across the gulf in the confident belief that he may hear our cry, not farewell, but au revoir.

Mr. PERKINS. Mr. President, in the death of Hon. THOMAS H. TONGUE, representing the First Congressional district of the State of Oregon, Congress has lost one of its most active, useful, and respected members, and the country a man devoted to its best interests. In reviewing the career of this distinguished citizen of one of the great Pacific States, we, although we have in mind all the facts, can hardly fail of surprise at the vast changes that occurred during his comparatively short life.

When Mr. TONGUE was born, in 1844, the territory of the United States did not reach to the Pacific. California was Mexican, and Alaska Russian. The strip between the California and Alaska boundaries was in dispute between the United States and Great Britain. British subjects controlled the trade of the Columbia River, and British settlements were found at very many places throughout the disputed territory. It was not until the year immediately preceding Mr. TONGUE's birth that there was within this entire region any American influence of consequence.

But at this time large bodies of Americans, traveling overland, marched down the valley of the Columbia, and made it manifest by long rifles that American interests had come to stay. It was not until Mr. TONGUE was 2 years old that the territory comprising the populous State of Oregon, which he was in part to represent in the Congress of the United States, became in fact American by the treaty with Great Britain fixing the disputed boundary at the forty-ninth degree of north latitude. Not until then did the wild regions explored by the intrepid Lewis and Clark come under the protection of the American flag.

The Americanization of the Pacific coast began, it may be said, the year Mr. TONGUE was born. The immigrants from the States had then established themselves, and from that time American energy and resourcefulness began to make themselves felt. In four years after the boundary question was settled there were over 13,000 Americans in the Columbia River region, and at the time when Mr. TONGUE, a boy of 9 years of age, first saw Oregon it had a population of about 50,000. The very year that he reached this far Western outpost of the United States Oregon became itself a State, and all its subsequent growth and development took place beneath his eyes.

During Mr. TONGUE's boyhood and early manhood Oregon was practically isolated from the rest of the world. The ocean traffic of the Atlantic States was with Europe or with China and India. An occasional vessel would take the long voyage around the Horn to California or Oregon for a cargo of hides, or later ships might come up from Australia or over from Canton to take wheat to Liverpool. But of sea-borne foreign commerce Oregon had practically none. Yet the sea was the only practicable outlet for trade, the State being shut off by mountain ranges from the Missouri Valley on the east and from California on the south. Still through this period of Mr. TONGUE's life the State steadily grew in population and new industries added constantly to its wealth. Where, in 1844, there was practically a wilderness, in which the brutish Indian, described by Lewis and Clark, outnumbered the civilized Caucasian, schools and colleges were established, and young TONGUE in them received an education which later made him a power in public life. Though he became a lawyer and entered zealously into the practice of his profession, he was one of those who assisted practically in developing the resources and adding to the industries of the new State. When he was 6 years old Oregon produced only 7,400 tons of cereals. Fifty years later it produced nearly 600,000 tons, and in this enormous increase the influence of Mr. TONGUE was not lightly felt.

Mr. TONGUE was just entering upon middle life when the isolation of his State was broken by the advent of that great promoter of growth and civilization—the railroad. First the Northern Pacific blasted its way through the Rocky Mountains. Later came the Northern Pacific and Union Pacific from the East, and the Southern Pacific from California, and Oregon for the first time found itself in actual touch with the world. It was about this time that Mr. TONGUE began to take an active interest in public affairs, which led him through the senate of his own State to the Congress of the United States.

At the time he was elected a Representative from the First Congressional district of Oregon the people of that State looked eastward for their business future. To the East, over the iron rails, or around the Horn by steamship, went the products of the State, for in the East and Europe were the markets. But before Mr. TONGUE's first term expired there had occurred a revolution in public opinion as to where Oregon's future lay. Suddenly and without warning all eyes were turned from the East toward the West, from the populous States of the Mississippi Valley and the Atlantic seaboard to China and Japan.

The planting of the American flag on an Asiatic island at once made clear to all men that in the Orient are the markets that must eventually absorb the surplus products of the Pacific coast. Between Asia, with its hundreds of millions of consumers, and the western coast of the United States, which, when Mr. TONGUE was born, was practically a wilderness, there seemed to be created a commercial bond by the mere fact that Americans had established themselves on the Asiatic side of the Pacific. The energy, the enterprise, and the capital of the people were at once turned from the East to the West. The Pacific Ocean suddenly seemed to become narrower. New steamship lines were established, and still more were projected; trade connections were made in China and Japan; business arrangements were entered into with reference to the development of oriental traffic, and the first step toward realizing that long dream of a trans-Pacific cable was taken when a line to the Hawaiian Islands was opened.

All these vast changes occurred during the five years that elapsed from the time Mr. TONGUE took his seat in the House until his death. They were years during which occurred great events, not the least of which is the awakening of the world of trade to the realization of the vast prizes which Asiatic nations hold out to



commerce. The western shore of our continent begins to exhibit the activity, bustle, and energy of the eastern. All energy is exerted on westward lines across the Pacific, and the great ocean which, when Mr. TONGUE first took his seat in Congress, was looked upon as a barrier to prosperity, is now regarded as the blessed means whereby increased prosperity can be secured.

As commerce by sea has received an impetus which will soon bring the Pacific Ocean under the control of the United States, there was made evident the necessity for the improvement of the harbors of the coast, and in this work Mr. TONGUE took an eager interest and an active part. As a member of the Committee on Rivers and Harbors he had to deal with questions that vitally concerned the future of trans-Pacific commerce. Realizing fully the importance of proper facilities and safeguards for navigation, he was most earnest in his endeavors to throw open every harbor and place along the coast warning signals of danger. For his successful work the entire Pacific coast from San Diego to Point Barrow will forever be his debtor. But in the wise expenditure of the hundreds of millions of dollars which this committee recommended the Atlantic coast was benefited as well, and the entire country felt the beneficial effects of the work in which Mr. TONGUE took so important a part. American commerce, domestic and foreign, has been aided by his labors, and his death will be deplored by the thousands who live upon the ocean as well as by the people of Oregon and his coworkers in the Congress of the United States.

We extend to his bereaved family and friends our heartfelt sympathy. May they find consolation in the thought, so beautifully expressed by one of America's poets:

There is no death; the stars go down,  
To rise upon some other shore.  
And bright in Heaven's jeweled crown,  
They shine forever more.

Mr. DUBOIS. Mr. President, the act of Providence in the sudden taking away of the universally respected Representative in Congress from the State of Oregon, Hon. THOMAS H. TONGUE, is the carrying out of the unalterable law, to which we humbly bow with submission and regret.

By this sad event the family is bereft of a loving husband, son, and father; the community of Hillsboro, Oreg., of a kind neighbor and a loyal friend; the State of Oregon of a faithful and conservative guide; the nation of a painstaking and useful lawmaker.

Honored by his district and his Commonwealth, he lived so that by his deeds he has given back to those who called him into public service a full measure of the honor that will serve to keep his memory fresh in the years to come. Now that he is no more, his example serves to reflect the sentiment that man is in no degree measured by his years on earth, but by that which he accomplishes for mankind during his earthly sojourn.

The late Representative TONGUE spent the major portion of his eventful life as an honored citizen of his adopted State of Oregon. He spent his boyhood days in the same neighborhood where he was repeatedly honored. His early years were spent amidst the hardships of toil and labor and obstacle which confront every young man of the West who is ushered into life without the luxurious environments that so often dwarf a career of genuine practical usefulness. His educational attainments were of the ordinary character, but, armed with a full share of industry and energy, his courage and indefatigable zeal and ambition served to buoy him onward and upward, until he surmounted all obstacles and reared for himself a name and fame that will honor his memory and leave its lasting imprint upon the minds of his neighbors, his clientage, and his fellow-countrymen.

He was ever alert and loyal to duty, sincere and devoted to principle, and zealous in his preservation of that lofty moral standard which is the idol of a discerning and appreciative public.

Scarcely fifteen years ago his constituency called him from his theretofore active practice of his profession into the public arena, first as a senator in his State legislature, and later to a seat in the National House of Representatives from the First district of Oregon.

He has always been intensely loyal to and proud of his State, and defended in the halls of Congress, with superior ability and unswerving industry, all legislation for its advancement and the development of its material resources.

To the solution of the great problem of irrigation of the broad wastes of arid land which cover the promising West our lamented brother was a devoted friend. The beneficiaries of the recent legislation, so diligently and wisely framed by the Representatives of the great and growing West, remember with a deep sense of appreciation the wise and conservative counsel of Representative TONGUE, and future generations who are to occupy those lands, convert the now barren wastes into rich farms, flourishing orchards, and consequent happy homes will place his name high upon the scroll of honor as one who substantially aided to make

progress and development in Nature's barren desert realistic to a degree of high perfection.

It might be proper in this unpremeditated eulogy of mine that I should embody a statement of some of the events which led to the enactment of the national irrigation law which is to be of such great benefit to the country at large, and especially to the West, with which legislation the name of Representative TONGUE will always be intimately associated.

Realizing full well the possibilities of what has been called the desert portion of the United States, the Representatives from that section have labored for legislation. Our Eastern and Southern friends in Congress were not familiar with conditions, while those of the Middle West were but partially so. In Congress after Congress Representatives and Senators from the arid and semiarid region presented bills for the inauguration of a national system of irrigation, but in the confusion incident to so many numerous projects those who were not familiar with the subject were unable to decide which was the best.

So all of the Representatives from the semiarid and arid States and Territories met in caucus on the first night of the first session of the present Congress. Each State and Territory selected one of its number to compose a committee of seventeen, which should represent all the arid and semiarid States and Territories. Mr. TONGUE was made the representative of his State on that committee of seventeen; and to his wise counsel, his conservatism, and his singleness of purpose to frame a law which should be lasting and effective is largely due the passage of this great measure. Then, as chairman of the Committee on Irrigation of the House of Representatives, he was given an opportunity to render effective aid to this momentous work.

Likewise did he labor for an open waterway down the Columbia River, which traverses the rich fields and towering forests of his State from east to west and which will give to the prosperous wheat growers of my own State, as well as his, easy, cheap, and accessible transportation to the ocean for the immense crops of grain that adorn the fields of Oregon, Idaho, and Washington.

Sad indeed it is, that with these and myriads of other useful and progressive features of legislation which were the dreams of his ambition, the sickle of Time should have so ruthlessly entered our councils and mowed down one so anxious to strive, to labor, and to accomplish results that would redound to the convenience, the comfort, and the upbuilding of the community upon which great and mighty foundation the Government of our nation rests and is destined so unmovably to repose until time shall be no more.

Speaking purely as a Western legislator, I can say in him the great resourceful West has lost a loyal, faithful, honest lawmaker, one who had a deep sensibility of the great possibilities of those undeveloped areas which his posterity will live to realize, and they will join us and succeeding generations in giving just praise to those who ministered in days gone by to the material growth and development of their native land.

Here amid the bustling scenes of Congressional life, where members come and go and are lost and forgotten, his memory may not always remain fresh and green, but the splendid results of his honest toil will shine in the great Pacific Northwest as a lasting monument to the honored name of THOMAS H. TONGUE.

In Shakesperean verse—

All the world's a stage,  
And all the men and women merely players.  
They have their exits and their entrances;  
And one man in his time plays many parts.

So with our respected friend. He was ushered in on the stage of life to play his part. He played it well. His exit we pause to note with deep regret and a profound regard for the words of Job of old, that when death comes the body returns to the dust from whence it came and the immortal spirit to the God who gave it.

Mr. SIMON. Mr. President, my colleague [Mr. MITCHELL] and the other distinguished members of the Senate who have preceded me have spoken so fully and so eloquently of the life and public services of the late Representative THOMAS H. TONGUE, that there remains but little for me to add. These tributes of praise, and words of commendation of him "who sleeps his last sleep" will find an echo in the hearts of thousands of his friends where rest the mortal remains in far-away Oregon. However, I can not refrain from occupying the attention of the Senate for a few moments in order that I may give expression to my sorrow, and I, too, may lay a laurel wreath upon the tomb of our departed friend.

It is fitting that we should pause to pay tribute to the moral worth and tireless energy of him who has passed to the other shore; to this man of humble origin, the farmer's boy, who worked his way through college, and who, by indomitable perseverance and pluck, made for himself a reputation as one of the foremost lawyers of his State, developed into an orator of marked

ability, and made himself a power in the political affairs of his Commonwealth and of the nation. From the plow to the university, and from his alma mater to an enviable position as a shining light in that profession which has given jurists and statesmen to the world, are achievements of which the most favored may well be proud, and are evidences of that innate and inherited Anglo-Saxon grit which has given free institutions to the human race.

My relations with Mr. TONGUE were always cordial and friendly. I enjoyed his friendship for a quarter of a century. I knew him at the bar, and I knew him as a legislator. As I knew Mr. TONGUE he was a man of simple habits, unostentatious and of modest demeanor. While entertaining strong and positive opinions upon all public questions, and well able to intelligently and forcibly debate them, he preferred that others should engage in the lists, and avoided forensic contests unless he was specially called upon to enter the arena. For this reason he did not often appear in the discussions of the House; but when he did he was clear, earnest, and direct in the presentation of his views, and in debate was always an impressive speaker.

Mr. TONGUE was a native of England, where he was born June 23, 1844. He attended the schools of his native land until he reached the age of 15 years, when his parents emigrated to Washington County, Oreg., taking with them their only child, THOMAS H. TONGUE. The family located on a farm near Hillsboro, in that State, and there young TONGUE resided, working on the farm when not attending school or college, until he arrived at man's estate. He had had fairly good advantages in the English schools and as soon as he arrived in Oregon he worked incessantly to acquire a finished education. He determined to take a college course, but owing to financial difficulties he succeeded only after surmounting many obstacles in realizing his ambition, and then only by working his way through college. Upon receiving his degree he read law, and in due time was admitted to the bar. He at once actively entered upon and continued in the practice of his profession until his death, interrupted only by his temporary absence from home attending the sessions of the several Congresses of which he was a member. He was very much attached to the study of law and was peculiarly fitted for the practice of the profession, in which he won marked distinction. He rapidly built up a large and lucrative business, and it was a common saying that Mr. TONGUE was on one side or the other of every important cause in the county and circuit in which he practiced.

Mr. TONGUE did not enter political life until after he had made a reputation as a lawyer. Aside from his Congressional career the only political office held by him was a term of four years in the Oregon State senate. It was my privilege to serve with him as a member of that body, and I then learned to know and appreciate the character and ability of our deceased friend. His work as impressed upon the acts of the legislature of Oregon stand as a monument to the care, industry, and ability displayed by him while serving in that body.

In 1896 he was elected to the Fifty-fifth Congress and was re-elected to each succeeding one, including the Fifty-eighth, and always by increased pluralities. As a member of the House he was indefatigable in working for Oregon, and during the six years in which he served in Congress he never lost an opportunity to advance the interests of his district or State. As a member of the Rivers and Harbors Committee of the House he was in position to materially serve every section of the State, and was an influential factor in securing much-needed appropriations for the rivers and harbors of Oregon. In national affairs, although strongly attached to his party, his judicial mind and mental discipline in the intricate questions of law made him an earnest and successful legislator.

Mr. TONGUE loved and faithfully served the people of his district, and, as a reward for the faithful performance of his duty, they loved him and delighted to honor him. No stronger evidence of this fact can be produced than the constantly increasing vote given him in his successive elections to the House.

The sad and untimely death of Mr. TONGUE was a great shock to his friends and constituency, and an irretrievable loss to his family and colleagues. But while we recount his virtues with deep regret for his untimely demise, there are sadder thoughts in the minds and more darkened chambers in the hearts of a faithful wife and loving children who mourn his departure. An affectionate husband has been stricken down by the reaper, Death, and a loving father has fallen a victim to the pale horse and its rider.

Our friend has gone before, but his good deeds, his upright life, his faithfulness in the performance of all duties, and the influence of his kindly smile will ever be remembered by those with whom he came in contact.

None knew him but to love him;  
None loved him but to praise.

Life is not measured by the flight of years, but by great actions and grand achievements. Mr. TONGUE won victories after hard-fought battles, when he left the plow for the college, when he succeeded in the profession of law, and last, but perhaps the greatest, when his name was placed on the roll call of the Congress of the United States, the most popular and renowned deliberative body in the world. These are milestones in his eventful career which will be rehearsed by loving hearts for long years to come.

In his relations to his Creator he was devout and sincere; as a husband, tender and affectionate; as a father, wise and loving; as a citizen, earnest and patriotic, and as a friend, firm and faithful. To sum up his well-rounded character in a single sentence, he worshiped God and loved his fellow-man. For such there is no oblivion. The "pictures hung on memory's walls" grow brighter with the lapse of years, and love entwines each act and achievement with fresh garlands as the months melt into years and the years melt into decades.

There is no death. What seems so is transition;  
This life of mortal breath  
Is but a suburb of the life elysian,  
Whose portal we call death.

Mr. President, I ask for the adoption of the resolutions offered by my colleague.

The resolutions were unanimously agreed to; and (at 1 o'clock and 57 minutes p. m.) the Senate adjourned until Monday, March 2, 1903, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SUNDAY, March 1, 1903.

[Continuation of legislative day of February 26, 1903.]

The recess having expired, the House, at 12 o'clock noon, was called to order by the Speaker.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this being Sunday, I make the point of no quorum present. I have examined the Calendar and there are no election contests ready by which a Democrat can be ousted without a quorum.

The SPEAKER. The Chair will count. [After counting the House.] One hundred and forty-nine members present—not a quorum.

Mr. PAYNE. I move a call of the House.

The SPEAKER. The question is on the motion of the gentleman from New York, who moves a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The doors will be closed and the officers will bring in the absentees. The Clerk will call the roll.

The roll was called, when the following members failed to answer to their names:

Ball, Tex.	Gardner, Mass.	McCulloch,	Scarborough,
Bellamy,	Glass,	McDermott,	Shafroth,
Belmont,	Glenn,	McLain,	Shallenberger,
Billmeyer,	Gooch,	Mahoney,	Shelden,
Bingham,	Gordon,	Maynard,	Sheppard,
Blakeney,	Green, Pa.	Meyer, La.	Skiles,
Bowie,	Griffith,	Mickey,	Smith, Wm. Alden
Brantley,	Griggs,	Miers, Ind.	Spight,
Breazeale,	Hanbury,	Morgan,	Stevens, Minn.
Bristow,	Haskins,	Mutchler,	Stewart, N. J.
Broussard,	Henry, Miss.	Naphe,	Stewart, N. Y.
Burnett,	Hooker,	Neville,	Swann,
Cochran,	Jack,	Newlands,	Swanson,
Conry,	Jackson, Md.	Norton,	Talbert,
Cousins,	Jett,	Patterson, Tenn.	Thayer,
Davey, La.	Kehoe,	Perkins,	Thomas, N. C.
Davis, Fla.	Ketcham,	Pierce,	Thompson,
Dinsmore,	Kleberg,	Pou,	Vandiver,
Dougherty,	Knox,	Prince,	Wanger,
Driscoll,	Lassiter,	Pugsley,	Wheeler,
Edwards,	Latimer,	Randell, Tex.	Williams, Miss.
Feely,	Lawrence,	Ransdell, La.	Wilson,
Finley,	Lewis, Ga.	Reid,	Wooten,
Fleming,	Lindsay,	Rixey,	Zenor.
Foerderer,	Little,	Robinson, Nebr.	
Foster, Ill.	Littlefield,	Rucker,	
Fox,	McAndrews,	Ruppert,	
Gaines, Tenn.	McClellan,	Ryan,	

The SPEAKER. On this call 240 have answered. There is a quorum present. The officers will open the doors.

### ORDER OF BUSINESS.

Mr. McCLEARY. Mr. Speaker—

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry. Was a call of the House ordered? And what was the vote on it?

The SPEAKER. A call of the House was ordered before, and this is the call made in pursuance of that order, which has shown a quorum.

Mr. McCLEARY. I desire to present a conference report.



Mr. UNDERWOOD. I demand the regular order, and on that I make this point of order—

The SPEAKER. The regular order is the presentation of the conference report.

Mr. UNDERWOOD. But I make this point of order, Mr. Speaker, that a call of the House was not ordered for the purpose of bringing a quorum here. It was ordered for the purpose of bringing in absentees, and the call of the House has not been dispensed with. And until the call of the House has been dispensed with it is the duty to complete that call by bringing in the absentees.

The SPEAKER. A conference report has been held in order even pending a motion for a call of the House, that being a case when the absence of a quorum had not been ascertained. A quorum has been ascertained in this case, and the conference report is of the highest privilege and may be presented.

Mr. UNDERWOOD. Exactly. A quorum has been ascertained here.

The SPEAKER. A quorum has been ascertained, and the conference report is called up. The Chair will have to overrule the point of order.

Mr. UNDERWOOD. Then another parliamentary inquiry. When the conference report is disposed of, the regular order will then continue to be the call of the House?

The SPEAKER. The Chair will answer that when the time comes. The Chair can not anticipate what will then be the regular order. [Applause on the Republican side.] The gentleman from Minnesota presents a conference report, which will be read by the Clerk.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House was requested:

H. R. 11572. An act for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14384. An act to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State Ohio; and

H. R. 15243. An act to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 7368. An act to incorporate the American National Institute (Prix de Paris) at Paris, France.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I present the conference report on the District of Columbia appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement be read instead of the report.

Mr. RICHARDSON of Tennessee. It has not been printed in the RECORD, and it will have to be read. I object.

The SPEAKER. The gentleman objects. The Clerk will read both the report and the statement.

Mr. GILBERT. Mr. Speaker, a parliamentary inquiry. Is it in order now to move to have the RECORD corrected in reference to a roll call?

The SPEAKER. The conference report is up, and that is a higher question.

Mr. GILBERT. I ask unanimous consent—

The SPEAKER. It is not in order now. The Clerk will proceed.

Mr. UNDERWOOD. Mr. Speaker, I rise to a point of order. The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I insist, Mr. Speaker, that the order of this House for a call of the House has not been dispensed with, and the doors of this House have no right to be opened.

The SPEAKER. The Chair has already settled that question. The Chair does not raise the question as to whether the call should be dispensed with—

Mr. UNDERWOOD. The point of order I make is that this House, not the Speaker, ordered a call of the House, and in compliance with that the Speaker ordered the doors of this House closed. Now, that call has not been dispensed with.

Mr. RICHARDSON of Tennessee. And the doors should be closed.

Mr. UNDERWOOD. The doors should be closed.

The SPEAKER. The Chair will order the doors closed, if the gentleman demands it.

Mr. UNDERWOOD. We demand it.

The SPEAKER. But the call of the House can not dispense with this conference report. The officers will close the doors. [Applause on the Democratic side.] The Clerk will proceed with the reading.

The Clerk read the conference report.

[For text of the conference report see page 2802.]

The Clerk read the statement of the House conferees, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16842) making appropriations for the expenses of the government of the District of Columbia, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the Senate amendments, namely:

On Nos. 1, 2, 3, and 4: Appropriates \$2,400 for temporary employment of assistant inspectors of buildings; for 2 additional civil engineers or computers, at \$1,500 each, and for 1 clerk, at \$1,000 instead of \$900.

On Nos. 5, 6, and 7: Strikes out proposed increase in the salary of the assessor from \$3,500 to \$4,000, and appropriates \$500 instead of \$1,000 for temporary clerk hire in the assessor's office.

On Nos. 8 and 9: Strikes out proposed increase of the salary of the deputy collector from \$1,800 to \$2,000.

On Nos. 10 and 11: Strikes out proposed increase in the salary of the auditor from \$3,600 to \$4,000.

On Nos. 12, 13, and 14: Increases the salaries of the engineer of highways and the superintendent of sewers from \$2,750 to \$3,000 each.

On Nos. 15, 16, 17, 18, and 19: Strikes out proposed increase in the salary of the superintendent of insurance from \$2,500 to \$3,000; provides for a statistician, at \$1,400, in the department of insurance; strikes out increase of \$200 in the salary of one clerk, and appropriates \$600, instead of \$1,200 as proposed by the Senate, for temporary clerk hire.

On Nos. 20 and 21: Appropriates \$15,200, instead of \$13,000 as proposed by the House, and \$20,000 as proposed by the Senate, for employees in the surveyor's office.

On Nos. 22, 23, 24, and 25, relating to the Free Public Library: Provides, additional to what was proposed by the House, 1 attendant, at \$360, and 2 pages, at \$240 each.

On Nos. 26 and 27: Appropriates \$37,700, instead of \$30,000 as proposed by the House, for contingent expenses.

On Nos. 28 and 29: Appropriates \$840, instead of \$540, for rent for department of insurance.

On No. 30: Appropriates \$1,500, instead of \$1,200 as proposed by the House, and \$2,000 as proposed by the Senate, for contingent expenses of the corner's office.

On No. 31: Appropriates \$1,500 for marking the boundary of the District.

On No. 32: Appropriates \$2,500 for card index for the office of the register of wills.

On No. 33: Strikes out \$500 to prepare index to the code of the District.

On No. 34: Strikes out \$500 for printing permit books and other forms.

On No. 35: Strikes out provision granting thirty days' leave of absence to per diem employees.

On No. 36: Appropriates \$160,000, instead of \$145,000 as proposed by the House, and \$175,000 as proposed by the Senate, for assessment and permit work.

On Nos. 37, 38, 39, 40, 41, 42, and 43: Appropriates \$100,000, instead of \$50,000 as proposed by the House, and \$150,000 as proposed by the Senate, for work on streets and avenues in the various sections of the city; strikes out \$14,600 for paving S street NW, from North Capitol to Second street, and inserts a provision requiring the Commissioners, in submitting schedules of streets and avenues to be improved each year, to arrange the same in the order of their importance.

On Nos. 44 and 45: Limits the price that may be paid for the two kinds of asphalt pavement to \$1.80 and \$2, respectively, instead of \$1.70 and \$1.80, respectively, as proposed by the House.

On No. 46: Appropriates \$10,000, instead of \$8,000 as proposed by the House for grading streets, alleys, and roads.

On No. 47: Appropriates \$1,000 for condemnation of streets, roads, and alleys.

On No. 48: Appropriates \$25,000, instead of \$10,000 as proposed by the House, for opening alleys.

On Nos. 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69: Appropriates \$135,000, instead of \$54,500 as proposed by the House, and \$248,200 as proposed by the Senate, for construction of county roads and suburban streets. As compared with the bill as it passed the House, the following provisions for new work on roads and suburban streets are made:

For Rhode Island avenue, Florida avenue toward First street, \$10,000;  
For Sixteenth street, Columbia road to Spring road, \$25,000;  
For Sixteenth street, Morris street to Columbia road, \$25,000;  
For Twenty-second street, R to Decatur streets, \$2,500;  
For California avenue, Columbia road to Phelps place, \$6,000;  
For Wisconsin avenue, \$6,000;  
For Kansas avenue, \$2,000;  
For Twentieth street, Queens chapel to Brentwood road, \$5,000; and  
For Connecticut avenue extended, \$5,000.

On No. 70: Strikes out appropriation of \$18,664 to purchase land to extend Euclid place.

On Nos. 71 and 72: Appropriates \$90,000, instead of \$80,000 as proposed by the House, and \$100,000 as proposed by the Senate, for repairs of county roads.

On No. 73: Appropriates \$48,000 for continuing work on the Connecticut avenue bridge, and limits the whole cost of the bridge to \$788,000, under contracts which are authorized, and requires its completion within four years from July 1, 1903.

On Nos. 74, 75, 76, 77, and 78, relating to sewers: Appropriates, additional to the amounts contained in the bill as it passed the House, for the sewage-disposal system, the sum of \$450,000, the same being in accordance with estimates prepared by the Commissioners subsequent to the passage of the bill by the House and on the representation that the sewage-disposal system of the District can and will be completed on the basis of the appropriations recommended in two years instead of three years.

On No. 79: Appropriates \$190,000, as proposed by the House, instead of \$200,000, as proposed by the Senate, for sprinkling, sweeping, and cleaning streets.

On No. 80: Makes the appropriation for the bathing beach available for the expense of maintenance and repair.

On Nos. 81, 82, and 83, relating to the electrical department: Appropriates

\$15,000, instead of \$14,000 as proposed by the House, for general supplies; \$23,950, instead of \$18,950 as proposed by the House, for placing electric wires under ground, and \$10,000, instead of \$7,500 as proposed by the House, and \$15,000, as proposed by the Senate, for rebuilding police patrol circuits.

On Nos. 84, 85, 86, 87, 88, 89, 90, and 91, relating to gas lighting: Appropriates \$209,000, instead of \$200,000 as proposed by the House, and \$219,700 as proposed by the Senate, for gas lighting of streets; limits the cost of lighting streets with oil to \$24 per lamp per annum as proposed by the Senate, instead of \$20 as proposed by the House; requires that the gas company shall bear the expense of purchasing, erecting, and maintaining lamp-posts, street designations, lanterns, and fixtures; authorizes the use of not more than \$15,000, as proposed by the House, instead of \$25,000 as proposed by the Senate, for Welsbach street lamps, to cost not exceeding \$28 per lamp, instead of \$27 as proposed by the House, and \$30 as proposed by the Senate; and continues for another year, as proposed by the Senate, the provision authorizing the reduction of the candle power of gas from 25 candles to 22 candles.

On Nos. 92 and 93: Appropriates \$80,000, instead of \$76,000 as proposed by the House, and \$82,500 as proposed by the Senate, for electric arc lighting of streets, and limits the cost per lamp to \$80, instead of \$72 as proposed by the House, and \$85 as proposed by the Senate.

On Nos. 94 and 95: Appropriates \$600,000 as proposed by the House, instead of \$500,000 as proposed by the Senate, for continuing work on the filtration plant, and extends the limit of cost of said work from \$2,768,405 to \$3,468,405.

On No. 96: Strikes out the appropriation of \$8,000 for survey for additional conduit from Great Falls.

On No. 97: Appropriates \$12,000, instead of \$2,500 as proposed by the House, and \$20,000 as proposed by the Senate, for Rock Creek Park.

On Nos. 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, and 129, relating to public schools: Strikes out a clerk at \$900 for the board of education; provides for the number of salaries and teachers as proposed by the House, except that provision is made for one additional supervising principal at \$2,000; leaves in the bill the restriction of pupils in night classes to those not over 21 years of age; appropriates \$5,500, instead of \$4,676 as proposed by the House, for care of small school buildings and rented rooms; provides for 12 medical inspectors of public schools at \$500 each; appropriates \$17,500, instead of \$15,000 as proposed by the House, and \$20,000 as proposed by the Senate, for tools and material for manual training; appropriates \$35,000, instead of \$38,000, for contingent expenses for Business High School building to \$175,000 as proposed by the House, instead of \$265,000 as proposed by the Senate; strikes out appropriations of \$5,000 for purchase of lot adjoining McKinley Manual Training School, of \$50,000 toward the extension of the McKinley Manual Training School, and \$3,933 for purchase of lot adjoining Armstrong Manual Training School; limits the cost of 2 additional 8-room buildings to \$60,000 as proposed by the House, instead of \$65,000 as proposed by the Senate, and appropriates \$8,300 for purchase of lot adjoining Brent School building, and \$10,000 for additional amount for reconstructing building at Seventh and G streets SE.

On Nos. 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, and 142, relating to the Metropolitan police: Appropriates \$4,000 for salary of the major and superintendent; provides for compensation of 6 additional privates detailed for special service; provides for 5 additional privates of class 2, at \$1,080 each; fixes the compensation of 40 additional privates of class 1 at \$720 each as proposed by the House, instead of \$780 each as proposed by the Senate; strikes out increase of compensation of 24 station keepers from \$840 each to \$960 each; strikes out the appropriation of \$800 for roadway and protection wall along the east side of seventh precinct station, and \$12,500 for remodeling rooms in certain precinct station houses; and appropriates \$9,000 as proposed by the Senate, instead of \$8,000 as proposed by the House, for the house of detention.

On Nos. 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152, relating to the fire department: Requires, as proposed by the House, that the chief engineer of the fire department shall have had at least five years' experience as a member of some organized municipal fire department, and strikes out proposed increase of \$300 in the salary of one assistant chief engineer; appropriates \$8,500, instead of \$7,500 as proposed by the House and \$10,000 as proposed by the Senate, for repairs and improvements to engine houses and grounds; \$5,000, instead of \$4,500 as proposed by the House and \$3,000 as proposed by the Senate, for fuel; \$13,000, instead of \$12,000 as proposed by the House and \$14,000 as proposed by the Senate, for forage; and strikes out the appropriation of \$23,000 for house and furniture for a chemical engine company in Benning.

On Nos. 153, 154, 155, 156, 157, 158, 159, 160, 161, and 162, relating to the health department: Strikes out the proposed increase of \$200 each in the salaries of the chemist and veterinarian surgeon and inspector of live stock and dairy farms; strikes out \$720 for an assistant poundmaster; increases the amount for traveling expenses for sanitary and food inspectors from \$1,000 to \$1,200; appropriates \$15,000 for quarantine buildings on the Washington Asylum grounds, and strikes out the appropriation of \$1,000 for a stable for the small-pox hospital.

On Nos. 163, 164, 165, 166, and 167, relating to the police court: Strikes out the proposed increase of the salaries of the police court judges from \$3,000 to \$3,600 each, and increases the salary of the deputy marshal from \$900 to \$1,000.

On No. 168: Strikes out appropriation of \$38,000 proposed by the Senate for site and plans for a new police-court building.

On Nos. 169 and 170: Strikes out the proposed increase in the salaries of 10 justices of the peace from \$2,000 to \$2,400 each.

On No. 171: Strikes out enlargement proposed by the Senate of the discretion of the Commissioners in expending the emergency fund.

On Nos. 172, 173, 174, 175, and 176: Strikes out the proposed increase in salaries of employees of the Board of Charities.

On Nos. 177, 178, 179, 180, 181, 182, 183, 184, and 185, relating to the Washington Asylum: Increases the salary of the engineer from \$50 to \$480, and of the second assistant engineer from \$300 to \$390; provides for an additional watchman at \$548; strikes out the proposed increase in the salaries of the hospital cook and the chief cook of the almshouse and workhouse; strikes out the provision for a laundryman at \$720 and for 2 attendants at \$300 each; appropriates \$60,000 instead of \$58,200, as proposed by the House, for contingent and miscellaneous expenses, and strikes out the appropriation of \$100,000 proposed by the Senate for continuing erection of a workhouse.

On Nos. 186, 187, 188, 189, 190, and 191, relating to the Reform School for Boys: Increases the salary of the assistant superintendent from \$900 to \$1,000; provides for an additional teacher at \$600 instead of a foreman of workshops at that salary, and strikes out the appropriation of \$25,000 for a new building and \$1,500 for furnishing the same.

On No. 192: Appropriates \$50,000, as proposed by the Senate, for reconstruction of the Homeopathic Hospital.

On Nos. 194 and 195: Appropriates \$12,000, as proposed by the Senate, for the Hart Farm School.

On Nos. 196 and 197: Appropriates directly for the maintenance of the National Association for the Relief of Destitute Colored Women and Children, and for the German Orphan Asylum, without requiring the same to enter into contract with the Board of Children's Guardians.

On Nos. 198 and 199: Appropriates \$5,500 instead of \$4,000 for the Temporary Home for ex-Union Soldiers and Sailors.

On Nos. 200, 201, 202, and 203, relating to the water department: Increases the compensation of 1 clerk from \$1,400 to \$1,500, and of 1 fireman from \$1,400 to \$1,500, and appropriates \$2,000 for introducing the card-record system in the water department.

On Nos. 204 and 205: Inserts as section 3 of the bill a provision proposed by the Senate authorizing advances out of the Treasury during the fiscal year 1904 to meet any deficiency that may occur in the revenues of the District of Columbia, the same to be reimbursed from time to time within five years after the close of the fiscal year 1904.

The bill as finally agreed upon appropriates \$8,647,497, \$8,513,001 of which is payable from the United States Treasury and the revenues of the District of Columbia, the remainder, \$134,496, being payable from the revenues of the water department.

As agreed upon, the total amount appropriated by the bill is \$896,842 more than as it passed the House, \$776,857 less than as it passed the Senate, \$103,087.03 more than the law for the current year, and \$2,358,131 less than the estimates submitted by the Commissioners.

J. T. McCLEARY,  
E. J. BURKETT,  
M. E. BENTON,

Managers on the part of the House.

Mr. McCLEARY. Mr. Speaker—

Mr. COWHERD. A point of order, Mr. Speaker. I desire to present a point of order.

The SPEAKER. The gentleman will state it.

Mr. COWHERD. As I caught the reading from the Clerk's desk, though it was so rapid I could not accurately catch it, I believe that the conferees have included new matter here which was not in dispute between the House and the Senate, in items 43 and 95. I make the point of order that those items are here in the conference report and that they include new matter that was not in dispute between the two Houses.

Mr. McCLEARY. I would ask what 43 refers to?

Mr. COWHERD. Forty-three is the item, as I caught it, where you provide that hereafter in reporting the schedules of streets and avenues to be improved the Commissioners shall report on a definite examination made by them and report their conclusions.

Mr. McCLEARY. And the other?

Mr. COWHERD. The other is in regard to the filtration plant.

Mr. McCLEARY. Oh, yes; the filtration plant.

Mr. Speaker, relative to the item No. 43, that was inserted as a limitation upon the expenditures, and a direction as to the method of expenditures.

Mr. UNDERWOOD. May I ask the gentleman a question? Are there any limitations on expenditures as the bill left the House?

Mr. McCLEARY. There has been a standing limitation.

Mr. UNDERWOOD. But I mean in the bill?

Mr. McCLEARY. Not in the language of the bill.

Mr. UNDERWOOD. Was there any limitation on the expenditures in the language of the bill when it left the Senate?

Mr. McCLEARY. Nothing except the general limitation.

Mr. UNDERWOOD. Then the limitation was placed in the bill by the conferees and not by either House.

Mr. McCLEARY. No.

Mr. UNDERWOOD. I mean the language of the bill was placed there by the conferees and by neither House.

Mr. COWHERD. May I have that item 43 reported?

Mr. McCLEARY. The gentleman is evidently wrong about the number.

Mr. COWHERD. It may be 42 or 43. I thought it was 43 as I heard it. Of course in the rapid reading it was difficult to catch it.

Mr. McCLEARY. It is not either of those.

Mr. BENTON. Forty-four.

Mr. UNDERWOOD. You say 44.

Mr. COWHERD. It is the item which is really new legislation, providing the manner in which the District Commissioners shall hereafter make their suggestions as to the improvement of streets.

The SPEAKER. Now, what section does the gentleman refer to?

Mr. COWHERD. The one I am referring to is either 42, 43, or 44.

The SPEAKER. The gentleman will please give the number.

Mr. COWHERD. If the Clerk will report those sections I will give the number. The Speaker will understand that it has not been printed and we have no way to get it.

Mr. MUDD. I would like to ask the gentleman from Missouri a question pending that.

The SPEAKER. The gentleman from Minnesota has the floor.

Mr. COWHERD. I will read the words of the report on that item I refer to:

Hereafter the Commissioners, in submitting schedules of streets and avenues to be improved, shall each year arrange said streets and avenues in the order of their importance, and determine by them after personal examination of said streets and avenues.

There is nothing in the action of either the House or the Senate putting that in; and I make the point of order that it is new legislation, that was not in conference between the two Houses as in controversy.



The SPEAKER. The Chair overrules the point of order.  
Mr. COWHERD. I make the point of order against the proposition in 95, with relation to the filtration plant.

Mr. McCLEARY. That was a matter of conference. The Senate offered an amendment.

Mr. COWHERD. The legislation was not a matter of conference, Mr. Speaker. The matter of conference was the appropriation. That was raised in the other House.

The SPEAKER. What amendment does the gentleman refer to.

Mr. COWHERD. I refer to amendment No. 95.

The SPEAKER. The amendment relates to the original text. The Chair overrules the point of order.

Mr. COWHERD. The point I make is that it is legislation.

The SPEAKER. The subject-matter is filtration and the amendment is filtration. The Chair overrules the point of order.

Mr. COWHERD. Mr. Speaker, with all due respect to the Chair, it seems to me that this is improper legislation, and I respectfully appeal.

The SPEAKER. The Chair declines to entertain the appeal.

Mr. FITZGERALD. Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from Minnesota has the floor.

Mr. FITZGERALD. A parliamentary inquiry.

Mr. McCLEARY. Those who have followed carefully the reading of the report—

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FITZGERALD. Is not a demand for the previous question, which is a preferential motion, in order?

The SPEAKER. The gentleman can not take a member in charge of the bill from the floor by asking the previous question. That is the prerogative of the gentleman in charge of the bill. The gentleman from Minnesota will proceed.

Mr. McCLEARY. As evidenced by the very intelligent question of my friend from Missouri, those who have followed carefully the reading of the report and the statement are in possession of at least the principal facts relating to this bill. I may be pardoned, however, if I emphasize two or three facts in connection with it.

As the statement shows, this bill carries \$8,647,497, of which sum \$3,513,091 is payable from the Treasury of the United States and the revenues of the District of Columbia, and \$134,406 from the water revenue. The bill as now reported carries \$896,842 more than the bill as reported by the House, and \$776,857 less than the bill as reported by the Senate. It appropriates \$103,037.03 more than the present law, but it carries \$2,358,131 less than the estimates submitted by the Commissioners.

Three items deserve perhaps a few words of special consideration.

An increase of \$700,000 is authorized in the total expense of the filtration plant by reason of the fact that bids submitted for the completion of the plant show that the increase is necessary, and, further, because the Senate added as an amendment the proviso that the filtration plant should be completed by December 1, 1904.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that we can not hear what the gentleman is saying.

The SPEAKER. All gentlemen will take their seats. The House will be in order.

Mr. McCLEARY. The Senate recognized the urgency of the completion of this filtration plant and inserted a proviso by way of an amendment that the plant should be completed by December 1, 1904. In order that that might be done without default, we felt it our duty to increase the total estimate by \$700,000.

Mr. COWHERD. Will the gentleman from Minnesota yield for a question?

Mr. McCLEARY. I must decline to yield.

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Missouri?

Mr. McCLEARY. I must decline to yield, Mr. Speaker.

For the sewage disposal system an increased appropriation of \$450,000 over the amount reported by the House is made. This is solely on the ground that we desire to complete this sewage disposal system in two years instead of three.

Mr. COWHERD. Did not the engineer state that he could not spend any more than we appropriated?

The SPEAKER. The gentleman from Missouri is out of order.

Mr. McCLEARY. The engineer officer, in the hearing before the House subcommittee, advised that the sum which we reported in our bill was all that he could expend, and it was all he could expend under his theory of expenditure; but the Senate committee was urgent to complete the whole system in two years instead of three, and hence provided for the increase of \$450,000 in the

appropriation for this year, and we concurred in the wisdom of their increase.

There is a provision for advances from the Treasury of the United States for the coming fiscal year, if these advances are needed, to bear interest at the rate of 2 per cent and to be repaid within five years. This authorization includes the advances authorized under the act of 1901 and the act of 1902, providing for advances to the District.

In our discussion of the bill, when it was in the House, after being reported from the House Committee on Appropriations, we claimed that no advance would be needed. The result of this bill proves that our contention was correct. The estimated revenue of the District from taxation is \$5,200,000 to \$5,400,000. With the corresponding sum coming from the United States Treasury, the total income of the District is \$10,400,000 to \$10,800,000. In this bill we have appropriated \$8,647,497. Even after meeting the appropriations carried in other bills there will be a considerable surplus. The insertion of this proviso was a concession to the Senate, because its conferees thought that something of that kind ought to be done.

Now, having explained these items—remembering that the report is unanimous—I move the previous question.

Mr. COWHERD. Will not the gentleman yield for one or two questions for the information of the House? I want to ask him one thing about the electric lights?

Mr. McCLEARY. Mr. Speaker, in view of the evident purpose on the part of our friends on the other side to use all sorts of devices to consume time, I must respectfully decline to yield.

Mr. COWHERD. Does the gentleman refuse to give the House any information on a bill he is seeking to pass? I appeal to the House for the purpose of asking him some questions.

The SPEAKER. The gentleman from Missouri is out of order. Let us pursue the regular course.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Is it in order to ask the gentleman from Minnesota to yield two minutes' time to discuss this report?

The SPEAKER. The gentleman from Minnesota has several times stated that he will not yield, and has given his reasons for it. The Chair has submitted to him two or three times a request to yield, and he declined. The question is on the motion of the gentleman from Minnesota for the previous question.

The question was taken; and Mr. UNDERWOOD demanded a division.

Mr. McCLEARY. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 79, answered "present" 10, not voting 112; as follows:

## YEAS—150.

Acheson,  
Alexander,  
Allen, Me.  
Aplin,  
Babcock,  
Ball, Del.  
Barney,  
Bartholdt,  
Bates,  
Beidler,  
Bishop,  
Boring,  
Boutell,  
Bowersock,  
Brandeggee,  
Brick,  
Bromwell,  
Brown,  
Brownlow,  
Bull,  
Burk, Pa.  
Burke, S. Dak.  
Burkett,  
Burleigh,  
Burton,  
Butler,  
Calderhead,  
Cannon,  
Capron,  
Cassel,  
Conner,  
Coombs,  
Cooper, Wis.  
Corliss,  
Cromer,  
Crumpacker,  
Cushman,

Dahle,  
Dalzell,  
Darragh,  
Davidson,  
Deemer,  
Dick,  
Douglas,  
Dovener,  
Draper,  
Dwight,  
Esch,  
Evans,  
Fletcher,  
Fordney,  
Fowler,  
Gaines, W. Va.  
Gardner, Mass.  
Gardner, Mich.  
Gardner, N. J.  
Gibson,  
Gill,  
Gillett, N. Y.  
Graff,  
Graham,  
Greene, Mass.  
Grosvenor,  
Grow,  
Hamilton,  
Hedge,  
Henry, Conn.  
Hepburn,  
Hill,  
Holliday,  
Howell,  
Hull,  
Irwin,  
Jackson, Md.  
Jenkins,

Kahn,  
Ketcham,  
Knapp,  
Kyle,  
Lacey,  
Landis,  
Lessler,  
Lewis, Pa.  
Littauer,  
Long,  
Loud,  
Loudenslager,  
Lovering,  
McCleary,  
McLachlan,  
Mahon,  
Marshall,  
Martin,  
Mercer,  
Metcalf,  
Miller,  
Minor,  
Mondell,  
Moody,  
Morris,  
Moss,  
Mudd,  
Needham,  
Nevin,  
Olmsted,  
Otjen,  
Overstreet,  
Palmer,  
Parker,  
Patterson, Pa.  
Payne,  
Pearre,  
Powers, Me.

Powers, Mass.  
Reeder,  
Reeves,  
Roberts,  
Schirm,  
Scott,  
Shattuc,  
Showalter,  
Sibley,  
Smith, Ill.  
Smith, Iowa.  
Smith, H. C.  
Smith, S. W.  
Southard,  
Southwick,  
Sperry,  
Steele,  
Storm,  
Sulloway,  
Tawney,  
Taylor, Ohio  
Thomas, Iowa  
Tirrell,  
Tompkins, N. Y.  
Tompkins, Ohio  
Van Voorhis,  
Vreeland,  
Wachter,  
Wadsworth,  
Wagoner,  
Warnock,  
Watson,  
Weeks,  
Woods,  
Wright,  
Young.

## NAYS—79.

Allen, Ky.  
Bankhead,  
Bartlett,  
Bell,  
Billmeyer,  
Breazeale,

Brundidge,  
Burgess,  
Burleson,  
Caldwell,  
Candler,  
Cassingham,

Clayton,  
Cooney,  
Cooper, Tex.  
Cowherd,  
Creamer,  
Crowley,

Davey, La.  
De Armond,  
Dougherty,  
Elliott,  
Fitzgerald,  
Fleming,

Flood,  
Gaines, Tenn.  
Goldfogle,  
Gooch,  
Gordon,  
Hay,  
Henry, Tex.  
Howard,  
Jackson, Kans.  
Johnson,  
Jones, Va.  
Kitchin, Claude  
Kitchin, Wm. W.  
Kluttz,

Lamb,  
Lester,  
Lever,  
Lewis, Ga.  
Little,  
Lloyd,  
McAndrews,  
McCulloch,  
Mahoney,  
Maynard,  
Miers, Ind.  
Padgett,  
Randell, Tex.  
Rhea,

Richardson, Ala.  
Richardson, Tenn.  
Rixey,  
Robb,  
Robinson, Ind.  
Rucker,  
Russell,  
Selby,  
Shackleford,  
Shallenberger,  
Sims,  
Slayden,  
Small,  
Smith, Ky.

Snook,  
Sparkman,  
Stark,  
Swanson,  
Tate,  
Taylor, Ala.  
Trimble,  
Underwood,  
Vandiver,  
White,  
Wiley,  
Williams, Ill.  
Zenor.

## ANSWERED "PRESENT"—10.

Adamson,  
Curtis,  
Emerson,

Foster, Vt.  
Gillett, Mass.  
Joy,

## NOT VOTING—112.

Adams,  
Ball, Tex.  
Bellamy,  
Belmont,  
Benton,  
Bingham,  
Blackburn,  
Blakeney,  
Bowie,  
Brantley,  
Bristow,  
Broussard,  
Burnett,  
Clark,  
Cochran,  
Connell,  
Conry,  
Cousins,  
Davis, Fla.  
Dayton,  
Dinsmore,  
Driscoll,  
Eddy,  
Edwards,  
Feely,  
Finley,  
Flanagan,  
Foerderer,

Foss,  
Foster, Ill.  
Fox,  
Gilbert,  
Glass,  
Glenn,  
Green, Pa.  
Griffith,  
Griggs,  
Hanbury,  
Haskins,  
Haugen,  
Heatwole,  
Hemenway,  
Henry, Miss.  
Hildebrandt,  
Hitt,  
Hooker,  
Hopkins,  
Hughes,  
Jack,  
Jett,  
Jones, Wash.  
Kehoe,  
Kern,  
Kleberg,  
Knox,  
Lassiter,

Latimer,  
Lawrence,  
Lindsay,  
Littlefield,  
Livingston,  
McCall,  
McDermott,  
McLain,  
McRae,  
Griggs,  
Maddox,  
Mann,  
Meyer, La.  
Mickey,  
Moon,  
Morgan,  
Mutchler,  
Naphen,  
Neville,  
Newlands,  
Norton,  
Patterson, Tenn.  
Perkins,  
Pierce,  
Pou,  
Prince,  
Pugsley,  
Ransdell, La.  
Reid,

Sutherland.

Robertson, La.  
Robinson, Nebr.  
Ruppert,  
Ryan,  
Scarborough,  
Shafroth,  
Shelden,  
Sheppard,  
Skiles,  
Smith, Wm. Alden  
Snodgrass,  
Spight,  
Stephens, Tex.  
Stevens, Minn.  
Stewart, N. J.  
Stewart, N. Y.  
Sulzer,  
Swan,  
Talbert,  
Thayer,  
Thomas, N. C.  
Thompson,  
Wanger,  
Warner,  
Wheeler,  
Williams, Miss.  
Wilson,  
Wooten.

The question was taken; and there were—yeas 144, nays 59, answered "present" 14, not voting 134; as follows:

## YEAS—144.

Acheson,  
Alexander,  
Allen, Me.,  
Applin,  
Babcock,  
Bankhead,  
Bartholdt,  
Bates,  
Beidler,  
Bishop,  
Blackburn,  
Boreing,  
Bowersock,  
Bowie,  
Brandegge,  
Breezeale,  
Brick,  
Bromwell,  
Brownlow,  
Bull,  
Burk, Pa.  
Burke, S. Dak.  
Burkett,  
Burleigh,  
Burton,  
Butler,  
Calderhead,  
Capron,  
Cassel,  
Connell,  
Conner,  
Coombs,  
Corliss,  
Cromer,  
Crowley,  
Crumpacker,

Cushman,  
Dahle,  
Dalzell,  
Darragh,  
Deemer,  
Dick,  
Douglas,  
Dovener,  
Draper,  
Dwight,  
Evans,  
Fletcher,  
Flood,  
Foerderer,  
Fordney,  
Foss,  
Fowler,  
Gaines, W. Va.  
Gardner, Mich.  
Gardner, N. J.  
Gibson,  
Gill,  
Gillett, N. Y.  
Graham,  
Greene, Mass.  
Grosvenor,  
Grow,  
Hamilton,  
Haugen,  
Hay,  
Hedge,  
Hepburn,  
Hill,  
Holliday,  
Hopkins,  
Howell,

Hull,  
Irwin,  
Jackson, Md.  
Kahn,  
Knapp,  
Kyle,  
Lacey,  
Lewis, Pa.  
Littauer,  
Long,  
Loudenslager,  
McAndrews,  
McCall,  
McCleary,  
McLachlan,  
Mahon,  
Mahoney,  
Marshall,  
Martin,  
Miller,  
Mondell,  
Morgan,  
Morris,  
Moss,  
Mudd,  
Needham,  
Nevin,  
Olmsted,  
Otjen,  
Overstreet,  
Palmer,  
Parker,  
Patterson, Pa.  
Payne,  
Perkins,  
Powers, Mass.

Reeder,  
Reeves,  
Roberts,  
Robinson, Ind.  
Scott,  
Shattuc,  
Showalter,  
Sibley,  
Small,  
Smith, Ill.  
Smith, Iowa  
Smith, H. C.  
Smith, S. W.  
Southard,  
Southwick,  
Sperry,  
Steele,  
Stevens, Minn.  
Storm,  
Sulloway,  
Swanson,  
Thomas, Iowa  
Tirrell,  
Tompkins, N. Y.  
Underwood,  
Van Voorhis,  
Vreeland,  
Wagoner,  
Warner,  
Warnock,  
Watson,  
Weeks,  
Williams, Ill.  
Woods,  
Wright,  
Young.

## NAYS—59.

Allen, Ky.  
Bartlett,  
Billmeyer,  
Brundidge,  
Burleson,  
Caldwell,  
Candler,  
Cassingham,  
Cooney,  
Cooper, Tex.  
Cowherd,  
De Armond,  
Dougherty,  
Fitzgerald,

Fleming,  
Goldfogle,  
Gooch,  
Gordon,  
Howard,  
Johnson,  
Jones, Va.  
Kitchin, Claude  
Kitchin, Wm. W.  
Lever,  
Lewis, Ga.  
Little,  
Lloyd,  
McClellan,  
McCulloch,

Maddox,  
Maynard,  
Miers, Ind.  
Moon,  
Padgett,  
Randell, Tex.  
Rhea,  
Richardson, Ala.  
Richardson, Tenn.  
Rixey,  
Robb,  
Robb,  
Robertson, La.  
Rucker,  
Russell,  
Ryan,

Selby,  
Shackleford,  
Shallenberger,  
Sims,  
Slayden,  
Smith, Ky.  
Snook,  
Sparkman,  
Stark,  
Stephens, Tex.  
Tate,  
Trimble,  
Vandiver,  
Zenor.

## ANSWERED "PRESENT"—14.

Adamson,  
Benton,  
Curtis,  
Dayton,

Emerson,  
Foster, Vt.  
Joy,  
Kluttz,

Sutherland,  
Wiley.

## NOT VOTING—134.

Adams,  
Ball, Del.  
Ball, Tex.  
Barney,  
Bell,  
Bellamy,  
Belmont,  
Bingham,  
Blakeney,  
Boutell,  
Brantley,  
Bristow,  
Broussard,  
Brown,  
Burgess,  
Burnett,  
Cannon,  
Clark,  
Clayton,  
Cochran,  
Conry,  
Cooper, Wis.  
Cousins,  
Currier,  
Davey, La.  
Davidson,  
Davis, Fla.  
Dinsmore,  
Driscoll,  
Eddy,  
Edwards,  
Elliott,  
Esch,  
Feely,

Finley,  
Flanagan,  
Foster, Ill.  
Fox,  
Gaines, Tenn.  
Gardner, Mass.  
Gilbert,  
Gillett, Mass.  
Glass,  
Glenn,  
Graft,  
Green, Pa.  
Griffith,  
Griggs,  
Hanbury,  
Haskins,  
Heatwole,  
Hemenway,  
Henry, Conn.  
Henry, Miss.  
Henry, Tex.  
Hildebrandt,  
Hitt,  
Hooker,  
Hughes,  
Jack,  
Jackson, Kans.  
Jenkins,  
Jett,  
Jones, Wash.  
Kehoe,  
Kern,  
Ketcham,  
Kleberg,

Knox,  
Landis,  
Lassiter,  
Latimer,  
Lawrence,  
Lessler,  
Lester,  
Lindsay,  
Littlefield,  
Livingston,  
Loud,  
Lovering,  
McDermott,  
McLain,  
McRae,  
Mercer,  
Metcalf,  
Meyer, La.  
Mickey,  
Minor,  
Moody,  
Mutchler,  
Naphen,  
Neville,  
Newlands,  
Norton,  
Patterson, Tenn.  
Pearre,  
Pierce,  
Pou,  
Powers, Me.  
Prince,  
Pugsley,  
Ransdell, La.

Reid,  
Robinson, Nebr.  
Ruppert,  
Scarborough,  
Schirm,  
Shafroth,  
Shelden,  
Sheppard,  
Skiles,  
Smith, Wm. Alden  
Snodgrass,  
Spight,  
Stewart, N. J.  
Stewart, N. Y.  
Sulzer,  
Swann,  
Talbert,  
Tawney,  
Taylor, Ohio  
Taylor, Ala.  
Thayer,  
Thomas, N. C.  
Thompson,  
Tompkins, Ohio  
Wachter,  
Wadsworth,  
Wanger,  
Wheeler,  
White,  
Williams, Miss.  
Wilson,  
Wooten.

So the previous question was ordered.

The following additional pairs were announced until further notice:

Mr. FOSS with Mr. SHEPPARD.  
Mr. WANGER with Mr. ADAMSON.  
Mr. LAWRENCE with Mr. GRIGGS.  
Mr. CURTIS with Mr. BURGESS.  
Mr. MANN with Mr. JETT.  
Mr. ADAMS with Mr. HOOKER.  
Mr. CANNON with Mr. McRAE.  
Mr. JACK with Mr. FINLEY.  
Mr. HOPKINS with Mr. MADDOX.  
Mr. HAUGEN with Mr. MICKEY.  
Mr. EMERSON with Mr. GILBERT.  
Mr. FOSTER of Vermont with Mr. POUL.  
Mr. McCALL with Mr. McCLELLAN.  
Mr. HASKINS with Mr. WOOTEN.  
Mr. HILDEBRANT with Mr. BELMONT.  
Mr. STEWART of New York with Mr. WILSON.  
Mr. WARNER with Mr. THOMAS of North Carolina.  
Mr. WM. ALDEN SMITH with Mr. ROBERTSON of Louisiana.  
Mr. SKILES with Mr. SCARBOROUGH.  
Mr. HANBURY with Mr. REID.  
Mr. SHELLEN with Mr. CLARK.  
Mr. EDDY with Mr. CLARK.  
Mr. GILLET of Massachusetts with Mr. DAVIS of Florida.

For this day:

Mr. COUSINS with Mr. DINSMORE.

On this vote:

Mr. HEATWOLE with Mr. LIVINGSTON.  
Mr. BABCOCK with Mr. BROUSSARD.  
Mr. CONNELL with Mr. BALL of Texas.

Mr. ADAMSON. Mr. Speaker, I wish to know whether the gentleman from Pennsylvania [Mr. WANGER] voted?

The SPEAKER pro tempore (Mr. DALZELL). He did not.  
Mr. ADAMSON. During week days I am paired with that gentleman, and if pairs are legal on Sunday, I want to withdraw my vote.

The name of Mr. ADAMSON being again called, he responded "present."

The result of the vote was announced as above stated.

The SPEAKER pro tempore. The question is now on agreeing to the conference report.

The question was put.

The SPEAKER pro tempore. The ayes appear to have it.

Mr. UNDERWOOD. I call for a division.

Mr. McCLEARY. I demand the yeas and nays.

The yeas and nays were ordered.

So the report of the committee of conference was agreed to. The following additional pairs were announced:

Until further notice:

Mr. HENRY of Connecticut with Mr. BROUSSARD.

Mr. BALL of Delaware with Mr. WILEY.

On this vote:

Mr. JENKINS with Mr. SULZER.

The result of the vote was announced as above stated.

Mr. PAYNE. I move to dispense with further proceedings under the call.



The question was put.

The SPEAKER pro tempore. The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

Mr. PAYNE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 48, answered "present" 15, not voting 141; as follows:

## YEAS—147.

Adams,	Deemer,	Jones, Va.	Reeder,
Alexander,	Dick,	Jones, Wash.	Reeves,
Allen, Me.	Dovener,	Kahn,	Roberts,
Babcock,	Draper,	Ketcham,	Schirm,
Barney,	Emerson,	Knapp,	Scott,
Bates,	Esch,	Kyle,	Shattuc,
Bishop,	Evans,	Lacey,	Showalter,
Boring,	Fitzgerald,	Lessler,	Sibley,
Bowersock,	Fletcher,	Lewis, Pa.	Sims,
Brandegoe,	Foerderer,	Littauer,	Smith, Ill.
Brick,	Fordney,	Littlefield,	Smith, Iowa
Bromwell,	Foss,	Livingston,	Smith, H. C.
Brown,	Fowler,	Long,	Smith, S. W.
Brownlow,	Gaines, Tenn.	Loudenslager,	Southard,
Bull,	Gardner, Mich.	Lovering,	Southwick,
Burk, Pa.	Gardner, N. J.	McCall,	Sperry,
Burke, S. Dak.	Gibson,	McCleary,	Stevens, Minn.
Burkett,	Gill,	McClellan,	Storm,
Burleigh,	Gillet, N. Y.	McLachlan,	Sulloway,
Burleson,	Goldfogle,	Mahon,	Tawney,
Burton,	Graft,	Marshall,	Taylor, Ohio
Butler,	Graham,	Martin,	Taylor, Ala.
Capron,	Greene, Mass.	Morgan,	Thomas, Iowa
Cassel,	Grosvenor,	Morris,	Tirrell,
Connell,	Grow,	Mudd,	Tompkins, N. Y.
Conner,	Hamilton,	Needham,	Tompkins, Ohio
Coombs,	Haugen,	Olmsted,	Vandiver,
Cooper, Wis.	Hedge,	Otjen,	Van Voorhis,
Corliss,	Hepburn,	Overstreet,	Vreeland,
Cromer,	Hildebrandt,	Padgett,	Wagoner,
Crumpacker,	Hill,	Palmer,	Warner,
Currier,	Hitt,	Parker,	Warnock,
Cushman,	Holliday,	Patterson, Pa.	Weeks,
Dalzell,	Howell,	Payne,	Woods,
Darragh,	Hughes,	Pearre,	Wright,
Davidson,	Jackson, Md.	Perkins,	Young.
De Armond,	Jenkins,	Powers, Mass.	

## NAYS—48.

Allen, Ky.	Gooch,	Mahoney,	Russell,
Bankhead,	Gordon,	Maynard,	Ryan,
Bartlett,	Henry, Tex.	Miers, Ind.	Selby,
Benton,	Jackson, Kans.	Moon,	Small,
Billmeyer,	Kitchin, Claude	Patterson, Tenn.	Smith, Ky.
Brundidge,	Kitchin, Wm. W.	Randell, Tex.	Snodgrass,
Candler,	Klutzt,	Rhea,	Snook,
Cassingham,	Lamb,	Richardson, Ala.	Stark,
Clark,	Lever,	Richardson, Tenn.	Stephens, Tex.
Cooney,	Little,	Robertson, La.	Trimble,
Cooper, Tex.	Lloyd,	Robinson, Ind.	White,
Elliott,	McAndrews,	Rucker,	Zenor.

## ANSWERED "PRESENT"—15.

Adamson,	Feely,	Minor,	Smith, Wm. Alden
Burgess,	Hull,	Morrell,	Sutherland,
Curtis,	Joy,	Shackleford,	Wiley.
Dayton,	Mann,	Sherman,	

## NOT VOTING—141.

Acheson,	Dwight,	Knox,	Robb,
Applin,	Eddy,	Landis,	Robinson, Nebr.
Ball, Del.	Edwards,	Lassiter,	Ruppert,
Ball, Tex.	Finley,	Latimer,	Scarborough,
Bartholdt,	Flanagan,	Lawrence,	Shafroth,
Beidler,	Fleming,	Lester,	Shallenberger,
Bell,	Flood,	Lewis, Ga.	Shelden,
Bellamy,	Foster, Ill.	Lindsay,	Sheppard,
Belmont,	Foster, Vt.	Loud,	Skiles,
Bingham,	Fox,	McCulloch,	Slayden,
Blackburn,	Gaines, W. Va.	McDermott,	Sparkman,
Blakeney,	Gardner, Mass.	McLain,	Spight,
Boutell,	Gilbert,	McRae,	Steele,
Bowie,	Gillett, Mass.	Maddox,	Stewart, N. J.
Brantley,	Glass,	Mercer,	Stewart, N. Y.
Breazeale,	Glenn,	Metcalf,	Sulzer,
Bristow,	Green, Pa.	Meyer, La.	Swann,
Broussard,	Griffith,	Mickey,	Swanson,
Burnett,	Griggs,	Miller,	Talbert,
Calderhead,	Hanbury,	Mondell,	Tate,
Caldwell,	Haskins,	Moody,	Thayer,
Cannon,	Hay,	Moss,	Thomas, N. C.
Clayton,	Heatwole,	Mutchler,	Thompson,
Cochran,	Hemenway,	Naphe,	Underwood,
Conry,	Henry, Conn.	Neville,	Wachter,
Cousins,	Henry, Miss.	Nevin,	Wadsworth,
Cowherd,	Hooker,	Newlands,	Wanger,
Creamer,	Hopkins,	Norton,	Watson,
Crowley,	Howard,	Pierce,	Wheeler,
Dahle,	Irwin,	Pou,	Williams, Ill.
Davey, La.	Jack,	Powers, Me.	Williams, Miss.
Davis, Fla.	Jett,	Prince,	Wilson,
Dinsmore,	Johnson,	Pugsley,	Wooten.
Dougherty,	Kehoe,	Ransdell, La.	
Douglas,	Kern,	Reid,	
Driscoll,	Kleberg,	Rixey,	

So the motion was agreed to.

The Clerk announced the following additional pairs:  
For this vote:

Mr. BARTHOLDT with Mr. COWHERD.

Mr. MINOR with Mr. BOWIE.

Mr. MOODY with Mr. FLOOD.

Until further notice:

Mr. LANDIS with Mr. WILLIAMS of Mississippi.

Mr. HEMENWAY with Mr. DOUGHERTY.

Mr. MONDELL with Mr. CLAYTON.

The result of the vote was announced as above recorded.

## LANDS IN ALASKA.

Mr. LACEY. Mr. Speaker, I call up the conference report on the bill (H. R. 12098) extending the homestead laws and providing for a right of way for railroads in the district of Alaska, and move the adoption of the conference report.

The SPEAKER pro tempore. The gentleman from Iowa calls up a conference report and moves that the same be adopted. The Clerk will read the report and statement.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12098 having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same, with amendments as follows: In lines 4, 5, 6, and 7, page 1, strike out the words "excepting the commutation provisions thereof, and excepting also the provisions relating to the acquisition of title through soldiers' additional homestead rights."

Also in line 13, page 1, after the word "district," insert the following: "except as now provided by law: And provided further, That no more than 160 acres shall be entered in any single body by such scrip, lien selection, or soldier's additional homestead right: And provided further, That no location of scrip, selection, or right along any navigable or other waters shall be made within the distance of 80 rods of any lands, along such waters, theretofore located by means of any such scrip or otherwise: And provided further, That no commutation privileges shall be allowed in excess of 160 acres included in any homestead entry under the provisions hereof."

Also in line 11, page 2, after the word "proof," insert: "except as to commuted lands as herein provided."

Also in line 10, page 3, after the word "years," insert: "Or at such date as the settler may desire to commute."

Also in line 18, page 3, after the words "United States," insert: "as heretofore and herein amended."

Also in line 1, page 4, after the word "receiver," insert: "except one dollar and twenty-five cents per acre on land commuted."

And the Senate agree to the same.

JOHN F. LACEY,  
F. W. MONDELL,  
F. M. GRIFFITH.

Managers on the part of the House.

C. D. CLARK,  
ROBERT J. GAMBLE,  
A. J. McLAURIN.

Managers on the part of the Senate.

The effect of the amendments is as follows:

1. The Senate provision prohibiting the use of soldiers' additional homestead rights in Alaska is stricken out, leaving the existing law, and also limiting the use of all scrip or lien selections to tracts of not exceeding 160 acres, and reserving from such locations along navigable or other waters tracts of not less than 80 rods in width between such entries.

2. Also as to commutation of homesteads, the amendment of the Senate is so modified that while homesteads of 320 acres may be taken, only 160 acres may be commuted.

3. The Senate provision as to surveys is substantially accepted.

JOHN F. LACEY,  
F. W. MONDELL,  
F. M. GRIFFITH.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to raise the question of consideration. This is not an appropriation bill, and it is Sunday.

Mr. LACEY. Mr. Speaker, I make the point of order that that is a dilatory motion.

Mr. RICHARDSON of Tennessee. I submit it is not dilatory. This is Sunday, and we ought not to legislate generally on Sunday.

Mr. ROBINSON of Indiana. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBINSON of Indiana. It is that under Rule XXIX the statement, which should be in detail, accompanying the conference report is not a sufficiently detailed statement to conform to that rule.

The SPEAKER pro tempore. The Chair overrules the point of order. The Chair holds that the statement complies with the rules.

Mr. ROBINSON of Indiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBINSON of Indiana. Does the Chair take cognizance of that as a point of order to be decided by the Chair?

The SPEAKER pro tempore. The Chair rules in accordance with former rulings of occupants of the chair. The statement complies with the rule and the Chair overrules the point of order.

Mr. ROBINSON of Indiana. I want to suggest that the only decision that has ever been made on that point is to the contrary, and for that reason I most respectfully appeal.

The SPEAKER pro tempore. The Chair declines to entertain the appeal on the ground that it is dilatory.

Mr. RICHARDSON of Tennessee. But, Mr. Speaker, the rule is that the House must decide this question, and not the Chair.

Mr. ROBINSON of Indiana. Mr. Speaker, will the Chair entertain the decision of the House upon this proposition, and the only decision that was ever made in the House?

The SPEAKER pro tempore. The question has been decided, and the gentleman from Iowa [Mr. LACEY] has the floor.

Mr. LACEY. Mr. Speaker, there is a great unanimity of sentiment in favor of this bill, although nobody would suspect it for a moment after listening to the other side. This is what has been known as the Alaska homestead bill. The proposition is to give homesteads in that country to the extent of 320 acres. The principal matter of difference between the House and the Senate conferees was upon the question of commutation and the use of scrip in Alaska. Upon the question of the use of scrip the agreement leaves these matters substantially as they are now, excepting to make the law clear that scrip shall not be located upon streams in such a way as to make a continuous location, but that a quarter of a mile between any two locations will be reserved. There can be no monopoly of the shores of the water courses. As to commutation, it provides that there may be commutation on a quarter section, but not on the whole amount of 320 acres.

With this statement, Mr. Speaker, I move the previous question. Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman a question.

Mr. ROBINSON of Indiana rose.

The SPEAKER pro tempore. The gentleman from Iowa moves the previous question.

The question was taken.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I insist that when gentlemen rise and address the Chair they have a right to ask a question and that the Chair ought not to override them. We were asking a respectful question of the gentleman from Iowa.

The SPEAKER pro tempore. For what purpose does the gentleman from Indiana rise?

Mr. LACEY. Mr. Speaker, I will withhold my motion long enough to ascertain what the question of the gentleman is.

Mr. ROBINSON of Indiana. The question is as to the proposition of 160 acres. As it left the House—

Mr. LACEY. Mr. Speaker, as the bill left the House it was 320 acres. As agreed on now, it is 320 acres. As to commutation, the amount to be commuted is limited to 160 acres.

Mr. STEPHENS of Texas. Mr. Speaker, the question I would like to ask is whether or not it changes the law with reference to settlements on these lands?

Mr. LACEY. Not at all. It leaves the law the same as it is in other parts of the United States. Mr. Speaker, I now move the previous question.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa, to order the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a division.

Mr. STEELE and Mr. LACEY asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 76, answered "present" 10, not voting 126; as follows:

## YEAS—139.

Acheson,	Darragh,	Ketcham,	Roberts,
Alexander,	Dick,	Knapp,	Schirm,
Allen, Me.	Draper,	Kyle,	Scott,
Aplin,	Dwight,	Lacey,	Shattuc,
Farney,	Esch,	Landis,	Showalter,
Bartholdt,	Evans,	Lessler,	Sibley,
Bates,	Fletcher,	Lewis, Pa.	Smith, Ill.
Beidler,	Foerderer,	Littaner,	Smith, Iowa
Bishop,	Fordney,	Loudenslager,	Smith, H. C.
Blackburn,	Gaines, W. Va.	Lovering,	Smith, S. W.
Boreing,	Gardner, Mich.	McCall,	Smith, Wm. Alden
Boutell,	Gardner, N. J.	McCleary,	Southard,
Bowersock,	Gibson,	McLachlan,	Southwick,
Brandagee,	Gillet, N. Y.	Mahon,	Sperry,
Brick,	Graff,	Marshall,	Steele,
Fromwell,	Graham,	Martin,	Stevens, Minn.
Brown,	Greene, Mass.	Miller,	Storm,
Bull,	Grosvenor,	Minor,	Sulloway,
Burke, S. Dak.	Grow,	Moody,	Tate,
Burkett,	Hamilton,	Morgan,	Thomas, Iowa
Burleigh,	Haugen,	Moss,	Tirrell,
Burton,	Hedge,	Mudd,	Tompkins, N. Y.
Butler,	Henry, Conn.	Needham,	Tompkins, Ohio
Capron,	Hepburn,	Nevin,	Van Voorhis,
Cassel,	Hildebrandt,	Olmsted,	Vreeland,
Connell,	Hill,	Otjen,	Wachter,
Conner,	Holliday,	Overstreet,	Wagoner,
Cooper, Wis.	Hopkins,	Parker,	Warner,
Corliss,	Howell,	Patterson, Pa.	Watson,
Cromer,	Hughes,	Payne,	Weeks,
Crumpacker,	Hull,	Peare,	Woods,
Currier,	Jackson, Md.	Perkins,	Wright,
Cushman,	Jenkins,	Powers, Mass.	Young,
Dahle,	Jones, Wash.	Reader,	
Dalzell,	Kahn,	Reeves,	

## NAYS—76.

Allen, Ky.	Dougherty,	Livingston,	Russell,
Bankhead,	Elliott,	Lloyd,	Ryan,
Bartlett,	Fitzgerald,	McAndrews,	Selby,
Benton,	Flood,	McClellan,	Shackleford,
Billmeyer,	Gaines, Tenn.	McLain,	Shallenberger,
Bowie,	Gooch,	Maddox,	Sims,
Breazeale,	Hay,	Mahoney,	Slayden,
Brundidge,	Jack,	Maynard,	Smith, Ky.
Burgess,	Jackson, Kans.	Miers, Ind.	Snodgrass,
Burleson,	Jones, Va.	Moon,	Snook,
Candler,	Kern,	Padgett,	Stark,
Cassingham,	Kitchin, Claude	Patterson, Tenn.	Stephens, Tex.
Clark,	Kitchin, Wm. W.	Randell, Tex.	Sulzer,
Clayton,	Kluttz,	Rhea,	Trimble,
Cooper, Tex.	Lamb,	Richardson, Ala.	Underwood,
Cowherd,	Latimer,	Richardson, Tenn.	Vandiver,
Creamer,	Lester,	Robb,	White,
Davey, La.	Lever,	Robinson, Ind.	Williams, Ill.
De Armond,	Little,	Rucker,	Zenor.

## ANSWERED "PRESENT"—10.

Bell,	Gordon,	Morrell,	Wiley.
Curtis,	Joy,	Sherman,	
Foster, Vt.	Mann,	Sutherland,	

## NOT VOTING—126.

Adams,	Eddy,	Johnson,	Reid,
Adamson,	Edwards,	Kehoe,	Rixey,
Babcock,	Emerson,	Kleberg,	Robertson, La.
Ball, Del.	Feely,	Knox,	Robinson, Nebr.
Ball, Tex.	Finley,	Lassiter,	Ruppert,
Beilamy,	Flanagan,	Lawrence,	Scarborough,
Belmont,	Fleming,	Lewis, Ga.	Shafroth,
Bingham,	Foss,	Lindsay,	Shelden,
Blakeney,	Foster, Ill.	Littlefield,	Sheppard,
Brantley,	Fowler,	Long,	Skiles,
Bristow,	Fox,	Loud,	Small,
Broussard,	Gardner, Mass.	McCulloch,	Sparkman,
Brownlow,	Gilbert,	McDermott,	Spight,
Burk, Pa.	Gill,	McRae,	Stewart, N. J.
Burnett,	Gillett, Mass.	Mercer,	Stewart, N. Y.
Calderhead,	Glass,	Metcalf,	Swann,
Caldwell,	Glenn,	Meyer, La.	Swanson,
Cannon,	Goldfogle,	Mickey,	Talbert,
Cochran,	Green, Pa.	Mondell,	Tawney,
Conry,	Griffith,	Morris,	Taylor, Ohio
Coombs,	Griggs,	Mutchler,	Taylor, Ala.
Cooney,	Hanbury,	Napen,	Thayer,
Cousins,	Haskins,	Neville,	Thomas, N. C.
Crowley,	Heatwole,	Newlands,	Thompson,
Davidson,	Hemenway,	Norton,	Wadsworth,
Davis, Fla.	Henry, Miss.	Palmer,	Wanger,
Dayton,	Henry, Tex.	Pierce,	Wheeler,
Deemer,	Hitt,	Pou,	Williams, Miss.
Dinsmore,	Hooker,	Powers, Mo.	Wilson,
Douglas,	Howard,	Prince,	Wooten.
Dovener,	Irwin,	Pugsley,	
Driscoll,	Jett,	Ransdell, La.	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FOSS with Mr. TATE.

Mr. HEATWOLE with Mr. NAPHEN.

The result of the vote was announced as above recorded.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11 o'clock to-morrow morning, and upon that motion I demand the previous question.

The SPEAKER pro tempore. The gentleman from New York moves that the House do now take a recess until 11 o'clock to-morrow morning, and upon that he demands the previous question.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division.

The House divided; and there were—ayes 107, noes 77.

Mr. RICHARDSON of Tennessee. I demand tellers.

Mr. PAYNE. Mr. Speaker, I was in hopes the other side might—

Several MEMBERS on the Democratic side. Regular order!

Mr. PAYNE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 79, answered "present" 9, not voting 119; as follows:

## YEAS—144.

Alexander,	Burke, S. Dak.	Dalzell,	Gibson,
Allen, Me.	Burkett,	Darragh,	Gillet, N. Y.
Aplin,	Burleigh,	Davidson,	Graff,
Barney,	Burton,	Deemer,	Graham,
Bartholdt,	Butler,	Dick,	Greene, Mass.
Bates,	Capron,	Dovener,	Grosvenor,
Beidler,	Cassel,	Draper,	Grow,
Bishop,	Connell,	Eddy,	Hamilton,
Blackburn,	Conner,	Esch,	Haugen,
Boreing,	Coombs,	Evans,	Hedge,
Boutell,	Coulter,	Fletcher,	Henry, Conn.
Bowersock,	Corliss,	Foerderer,	Hepburn,
Brandagee,	Cromer,	Fordney,	Hildebrandt,
Brownell,	Crumpacker,	Fowler,	Hill,
Brown,	Currier,	Gaines, W. Va.	Holliday,
Brownlow,	Cushman,	Gardner, Mich.	Hopkins,
Bull,	Dahle,	Gardner, N. J.	Howell,



Hull,  
Irwin,  
Jackson, Md.  
Jenkins,  
Jones, Wash.  
Kahn,  
Ketcham,  
Knapp,  
Kyle,  
Lacey,  
Landis,  
Lessler,  
Lewis, Pa.  
Littauer,  
Littlefield,  
Long,  
Loud,  
Loudenslager,  
Lovering,

McCall,  
McCleary,  
Mahon,  
Marshall,  
Martin,  
Miller,  
Mondell,  
Moody,  
Morgan,  
Morris,  
Moss,  
Mudd,  
Needham,  
Otjen,  
Overstreet,  
Palmer,  
Parker,  
Patterson, Pa.  
Payne,

Pearre,  
Perkins,  
Powers, Mass.  
Reeder,  
Roberts,  
Schirm,  
Scott,  
Shattuc,  
Showalter,  
Smith, Ill.  
Smith, Iowa  
Smith, H. C.  
Smith, S. W.  
Smith, Wm. Alden  
Southard,  
Southwick,  
Sperry,  
Steele,  
Stevens, Minn.

Storm,  
Sulloway,  
Tawney,  
Taylor, Ohio  
Thomas, Iowa  
Tirrell,  
Tompkins, N. Y.  
Tompkins, Ohio  
Van Voorhis,  
Wachter,  
Wadsworth,  
Wagoner,  
Warner,  
Warnock,  
Watson,  
Weeks,  
Woods,  
Wright,  
Young.

## NAYS—79.

Allen, Ky.  
Bankhead,  
Bartlett,  
Benton,  
Billmeyer,  
Bowie,  
Breazeale,  
Burlison,  
Candler,  
Cassingham,  
Clark,  
Clayton,  
Cooney,  
Cooper, Tex.  
Cowherd,  
Crowley,  
Davey, La.  
De Armond,  
Dougherty,  
Elliott,

Feely,  
Fitzgerald,  
Flood,  
Gaines, Tenn.  
Gooch,  
Gordon,  
Hay,  
Howard,  
Jackson, Kans.  
Johnson,  
Jones, Va.  
Kern,  
Kitchin, Claude  
Kitchin, Wm. W.  
Kluttz,  
Lamb,  
Latimer,  
Lester,  
Lever,  
Lewis, Ga.

Little,  
Livingston,  
Lloyd,  
McClellan,  
Maddox,  
Mahoney,  
Maynard,  
Miers, Ind.  
Moon,  
Mutchler,  
Padgett,  
Patterson, Tenn.  
Randell, Tex.  
Rhea,  
Richardson, Ala.  
Richardson, Tenn.  
Robb,  
Robertson, La.  
Robinson, Ind.  
Rucker,

Russell,  
Ryan,  
Selby,  
Shackleford,  
Shallenberger,  
Sims,  
Slayden,  
Smith, Ky.  
Snodgrass,  
Snook,  
Stark,  
Swanson,  
Thompson,  
Trimble,  
Underwood,  
Vandiver,  
White,  
Williams, Ill.  
Zenor.

## ANSWERED "PRESENT"—9.

Adams,  
Adamson,  
Brundage,

Foster, Vt.  
Joy,

Mann,  
Sheppard,

Sherman,  
Wiley.

## NOT VOTING—119.

Acheson,  
Babcock,  
Ball, Del.  
Ball, Tex.  
Bell,  
Bellamy,  
Belmont,  
Bingham,  
Blakeney,  
Brantley,  
Brick,  
Bristow,  
Broussard,  
Burgess,  
Burk, Pa.  
Burnett,  
Calderhead,  
Caldwell,  
Cannon,  
Cochran,  
Conry,  
Cousins,  
Creamer,  
Curtis,  
Davis, Fla.  
Dayton,  
Dinsmore,  
Douglas,  
Driscoll,  
Dwight,

Edwards,  
Emerson,  
Finley,  
Flanagan,  
Fleming,  
Foss,  
Foster, Ill.  
Fox,  
Gardner, Mass.  
Gilbert,  
Gill,  
Gillett, Mass.  
Glass,  
Glenn,  
Goldfogle,  
Green, Pa.  
Griffith,  
Griggs,  
Hanbury,  
Haskins,  
Heatwole,  
Hemenway,  
Henry, Miss.  
Henry, Tex.  
Hitt,  
Hooker,  
Hughes,  
Jack,  
Jett,  
Kehoe,

Kleberg,  
Knox,  
Lassiter,  
Lawrence,  
Lindsay,  
McAndrews,  
McCulloch,  
McDermott,  
McLachlan,  
McLain,  
McRae,  
Mercer,  
Metcalf,  
Meyer, La.  
Mickey,  
Minor,  
Morrell,  
Naphen,  
Neville,  
Nevin,  
Newlands,  
Norton,  
Olmsted,  
Pierce,  
Pou,  
Powers, Me.  
Prince,  
Pugsley,  
Ransdell, La.  
Reeves,

Reid,  
Rixey,  
Robinson, Nebr.  
Ruppert,  
Scarborough,  
Shafroth,  
Shelden,  
Sibley,  
Skiles,  
Small,  
Sparkman,  
Spight,  
Stephens, Tex.  
Stewart, N. J.  
Stewart, N. Y.  
Sulzer,  
Sutherland,  
Swann,  
Talbert,  
Tate,  
Taylor, Ala.  
Thayer,  
Thomas, N. C.  
Vreeland,  
Wanger,  
Wheeler,  
Williams, Miss.  
Wilson,  
Wooten.

So the previous question was ordered.

The following additional pair was announced:

Mr. ACHESON with Mr. GOLDFOGLE.

The result of the vote was then announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House of Representatives was requested:

An act (H. R. 12199) to regulate the immigration of aliens into the United States.

## RECESS.

Mr. RICHARDSON of Tennessee. I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Does the present occupant of the chair hold that this motion for a recess to a specific hour takes precedence over a motion to adjourn?

The SPEAKER pro tempore. Under the rule adopted by the House, it does.

Mr. RICHARDSON of Tennessee. Then, a second question. If we vote down the motion to take a recess, will a motion to adjourn be in order?

The SPEAKER pro tempore. If the motion is voted down, the Chair will answer the question.

Mr. RICHARDSON of Tennessee. I hope it will be voted down.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York, to take a recess until 11 o'clock to-morrow.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 53, answered "present" 8, not voting 123; as follows:

## YEAS—167.

Adamson,  
Alexander,  
Allen, Me.  
Aplin,  
Bankhead,  
Barney,  
Bartholdt,  
Bates,  
Beidler,  
Bishop,  
Blackburn,  
Boring,  
Boutell,  
Bowersock,  
Brandegge,  
Brick,  
Bromwell,  
Brown,  
Brownlow,  
Burk, Pa.  
Burke, S. Dak.  
Burkett,  
Burleigh,  
Butler,  
Candler,  
Capron,  
Cassel,  
Clayton,  
Connell,  
Conner,  
Cooper, Wis.  
Corliss,  
Cromer,  
Crumacker,  
Currier,  
Cushman,  
Dahle,  
Dalzell,  
Darragh,  
Davidson,  
Deemer,  
Dick,

Dovener,  
Draper,  
Dwight,  
Eddy,  
Elliott,  
Evans,  
Fletcher,  
Foerderer,  
Fordney,  
Gaines, W. Va.  
Gardner, Mich.  
Gardner, N. J.  
Gibson,  
Gillett, N. Y.  
Gillett, Mass.  
Graff,  
Graham,  
Greene, Mass.  
Grosvenor,  
Grow,  
Hamilton,  
Haugen,  
Hedge,  
Henry, Conn.  
Heptburn,  
Hildebrandt,  
Hill,  
Holliday,  
Howard,  
Howell,  
Hughes,  
Hull,  
Irwin,  
Jackson, Md.  
Jenkins,  
Jones, Wash.  
Joy,  
Kahn,  
Kitchin, Claude  
Kluttz,  
Knapp,

Kyle,  
Lacey,  
Landis,  
Latimer,  
Lawrence,  
Lessler,  
Lever,  
Lewis, Pa.  
Littauer,  
Littlefield,  
Loud,  
Lovering,  
McCall,  
McCleary,  
McLachlan,  
Mahon,  
Martin,  
Mercer,  
Miller,  
Minor,  
Mondell,  
Moody,  
Morgan,  
Morrell,  
Morris,  
Moss,  
Mudd,  
Needham,  
Nevin,  
Olmsted,  
Otjen,  
Overstreet,  
Palmer,  
Parker,  
Patterson, Pa.  
Payne,  
Pearre,  
Perkins,  
Powers, Mass.  
Reeder,  
Reeves,  
Richardson, Ala.

Roberts,  
Russell,  
Schirm,  
Scott,  
Shattuc,  
Showalter,  
Sibley,  
Smith, Ill.  
Smith, Iowa  
Smith, H. C.  
Smith, S. W.  
Smith, Wm. Alden  
Snodgrass,  
Southard,  
Southwick,  
Sperry,  
Stark,  
Steele,  
Stephens, Tex.  
Stevens, Minn.  
Storm,  
Sulloway,  
Swanson,  
Taylor, Ohio  
Thomas, Iowa  
Tirrell,  
Tompkins, Ohio  
Trimble,  
Van Voorhis,  
Vreeland,  
Wachter,  
Wadsworth,  
Wagoner,  
Wanger,  
Warner,  
Warnock,  
Watson,  
Weeks,  
White,  
Wright,  
Young.

## NAYS—53.

Allen, Ky.  
Bartlett,  
Benton,  
Bowie,  
Brundage,  
Burlison,  
Cassingham,  
Clark,  
Cowherd,  
Crowley,  
Davey, La.  
De Armond,  
Lloyd,  
McAndrews,

Fitzgerald,  
Flanagan,  
Fleming,  
Gaines, Tenn.  
Gooch,  
Gordon,  
Johnson,  
Jones, Va.  
Kern,  
Kitchin, Wm. W.  
Lester,  
Lewis, Ga.  
Robb,  
Robertson, La.  
Robinson, Ind.

McClellan,  
McCulloch,  
Mahoney,  
Maynard,  
Miers, Ind.  
Moon,  
Newlands,  
Pou,  
Randell, Tex.  
Rhea,  
Richardson, Tenn.  
Robb,  
Robertson, La.  
Robinson, Ind.

Ryan,  
Selby,  
Shackleford,  
Shallenberger,  
Sims,  
Slayden,  
Smith, Ky.  
Snook,  
Thompson,  
Underwood,  
Zenor.

## ANSWERED "PRESENT"—8.

Adams,  
Burgess,

Cochran,  
Emerson,

Foster, Vt.  
Mann,

Sherman,  
Sutherland.

## NOT VOTING—123.

Acheson,  
Babcock,  
Ball, Del.  
Ball, Tex.  
Bell,  
Bellamy,  
Belmont,  
Bingham,  
Blakeney,  
Brantley,  
Breazeale,  
Bristow,  
Broussard,  
Bull,  
Burnett,  
Burton,  
Calderhead,  
Caldwell,  
Cannon,  
Cochran,  
Conry,  
Cousins,  
Creamer,  
Curtis,  
Davis, Fla.  
Dayton,  
Dinsmore,  
Douglas,

Driscoll,  
Edwards,  
Finley,  
Flood,  
Foss,  
Foster, Ill.  
Fowler,  
Fox,  
Gardner, Mass.  
Gilbert,  
Gill,  
Glass,  
Glenn,  
Goldfogle,  
Green, Pa.  
Griffith,  
Griggs,  
Hanbury,  
Haskins,  
Hay,  
Heatwole,  
Hemenway,  
Henry, Miss.  
Henry, Tex.  
Hitt,  
Hooker,  
Hopkins,  
Jack,  
Jackson, Kans.  
Jett,  
Kehoe,

Ketcham,  
Kleberg,  
Knox,  
Lamb,  
Lassiter,  
Lindsay,  
Little,  
Livingston,  
Long,  
Loudenslager,  
McDermott,  
McLain,  
McRae,  
Maddox,  
Marshall,  
Metcalf,  
Meyer, La.  
Mickey,  
Mutchler,  
Naphen,  
Neville,  
Norton,  
Padgett,  
Patterson, Tenn.  
Pierce,  
Powers, Me.  
Prince,  
Pugsley,  
Ransdell, La.  
Reid,  
Rixey,

Robinson, Nebr.  
Rucker,  
Ruppert,  
Scarborough,  
Shafroth,  
Shelden,  
Sheppard,  
Skiles,  
Small,  
Sparkman,  
Spight,  
Stewart, N. J.  
Stewart, N. Y.  
Sulzer,  
Swann,  
Talbert,  
Tate,  
Tawney,  
Taylor, Ala.  
Thayer,  
Thomas, N. C.  
Tompkins, N. Y.  
Vandiver,  
Wheeler,  
Wiley,  
Williams, Ill.  
Williams, Miss.  
Wilson,  
Woods,  
Wooten.

So the motion was agreed to.  
The SPEAKER pro tempore. Pending the announcement of the vote, the Chair announces the signature of the Speaker to the following enrolled bills:

H. R. 15804. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 15243. An act to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army;

H. R. 14384. An act to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio;

H. R. 16656. An act regulating the importation of breeding animals;

S. 5437. An act to authorize the settlement of the accounts of officers of the Army; and

S. 3560. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The result of the vote was then announced as above recorded. Accordingly (at 3 o'clock and 53 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow, Monday, morning.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 7172) to establish Dayton, in the State of Ohio, as a subport of entry, and to extend the privileges of the act approved June 10, 1880, to the port of Dayton, in the State of Ohio, reported the same with amendments, accompanied by a report (No. 3888); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 17539) providing for the issue and circulation of national-bank notes, for the safe-keeping of public money, and for other purposes, reported the same without amendment, accompanied by a report (No. 3889); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 17543) authorizing the Secretary of the Treasury to provide a post-office building at all cities or towns where first, second, and third class post-offices are located—to the Committee on Public Buildings and Grounds.

By Mr. SHATTUC: A resolution (H. Res. 475) for the consideration of H. R. 12199 and Senate amendments—to the Committee on Rules.

By Mr. DALZELL: A resolution (H. Res. 476) relating to joint resolutions to continue appropriations—to the Committee on Rules.

By Mr. FOWLER: A resolution (H. Res. 477) for the consideration of H. R. 17539—to the Committee on Rules.

By Mr. GIBSON: A resolution (H. Res. 478) relating to House pension bills with Senate amendments—to the Committee on Rules.

By Mr. DALZELL: A resolution (H. Res. 479) relating to conference reports—to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GOOCH: A bill (H. R. 17544) for the relief of J. J. Robinson, of Carroll County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 17545) for the relief of J. W. Knox, of Galatin County, Ky.—to the Committee on War Claims.

#### SENATE.

MONDAY, March 2, 1903.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

#### POSTAL RATE ON PERIODICALS.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 24th ultimo, an estimate of the effect on the revenue of the Post-Office Department in case of the adoption of an amendment giving all periodicals the same rate and terms as that now given the weekly periodicals; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### INVESTIGATION BY INTERSTATE COMMERCE COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission transmitting, in response to a resolution of June 24, 1902, certain information relative to the rates filed with the Commission by common carriers subject to the act to regulate commerce now in force on import and domestic traffic of like kind carried from various States in the United States to interior points of destination which show material differences, etc.; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

#### DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate the Fifth Annual Report of the National Society of the Daughters of the American Revolution; which was referred to the Committee on Printing, and ordered to be printed.

#### JAMES DEITRICK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation for payment to James Deitrick for rent of land office at Peavey, Alaska, and for supplies furnished that office, etc., \$1,620.32; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the House had passed with amendments the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896;

A bill (S. 5437) to authorize the settlement of the accounts of officers of the Army;

A bill (S. 6139) amending the civil code of Alaska, providing for the organization of private corporations, and for other purposes;

A bill (H. R. 14384) to establish a life-saving station at the